

Student Appeals Policy and Procedure

Approving body	Governing Board
Date approved	24 Apr 2025
Date of effect	Date of operation commencement
Next scheduled review	Two years from when policy commences
Policy owner	Chief Executive Officer (CEO)
Policy contact	Chief Executive Officer (CEO)
Related Documents	Student Grievance and Appeals Register <u>Student Grievance Policy and Procedure</u> <u>Student Academic Integrity Policy and Procedure</u> <u>Academic Progression and Students at Risk Policy and Procedure</u> <u>Assessment Policy and Procedure</u> <u>Assessment Review Policy and Procedure</u> <u>Student Enrolment and Completion Policy and Procedure</u> <u>Sexual Assault and Sexual Harassment Prevention Policy and Procedure</u> <u>Student Code of Conduct</u>
Related Legislative and Regulatory Instruments	HESF Section 2.4 HESF Section 6.2 HESF Standard 6.3.2 HESF Standard 7.2.2 HESF Standard 7.3.3 <i>Education Services for Overseas Students Act 2000 (Cth)</i> <i>National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth)</i> <i>Education Services for Overseas Students Regulations 2001 (Cth)</i>

Purpose

1. To outline the principles and processes for the handling of internal and external appeals by students at **Zenith Innovation Institute (Zenith / the Institute)** against the outcome of a grievance, or against a decision made by the Institute in circumstances outlined in this and related policies.

Scope

2. This Policy and Procedure applies to:
 - (a) prospective students of the Institute
 - (b) currently enrolled students
 - (c) graduates of the Institute whose enrolment ended less than six months before the appeal was lodged and
 - (d) any decisions made by the Institute that impact on a student, including student grievances.

Policy

Principles

3. The effective management of appeals:
 - (a) provides for natural justice in the handling of student issues and assures the quality and fairness of decision-making and
 - (b) contributes to an improved educational environment and support for students.
4. Appeals management is guided by the following principles:
 - (a) consistency
 - (b) ethical and equitable practices
 - (c) respect for all parties
 - (d) procedural fairness and appropriate impartiality
 - (e) transparency and
 - (f) timely and effective processes.
5. At all stages of appeal handling the Institute will provide:
 - (a) **Opportunity to present:** All parties to an appeal has opportunity to formally present and to be accompanied and assisted by a support person, if required, at any relevant meetings
 - (b) **Explanation:** a full explanation in writing for decisions and actions taken as part of the process will be provided to all parties where applicable
 - (c) **Action:** where the resolution of an appeal results in a decision that supports the complainant, the Institute will immediately implement any decision and/or corrective and preventative action required and advise the complainant of the outcome and
 - (d) **No financial disadvantage:** There is no cost for using the internal appeals processes.

6. Access and Awareness:

- (a) This Policy and Procedure will be made available to students and prospective students through publication in the Student Handbook, communicated to students during Orientation and available on the Institute's website.
- (b) This Policy and Procedure will form part of the staff induction process.

Procedure

7. Appeals fall into two broad categories: internal and external. An external appeals process follows an internal process. These are outlined in sequence.

Internal appeals

Grounds, process and timing

- 8. A student may lodge an appeal if dissatisfied with the outcome of a grievance managed under the provisions of the *Student Grievance Policy and Procedure*.
- 9. Students also have the right to appeal a decision made by the Institute under other policies and procedures where:
 - (a) the conditions and processes in the Institute's policy or procedure have not been adhered to or
 - (b) 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 or
 - (c) there has been a material lack of clarity on the part of the Institute in relation to documentation or expectations which has affected the performance, behaviour or actions of the student or
 - (d) staff have not acted fairly towards a student by showing bias in decision-making.
- 10. Requests for appeal are lodged initially with the Academic Dean for academic decisions or the Student Services Manager for administrative decisions, within twenty (20) working days of the decision or outcome which is the subject of the appeal.
- 11. A representation of the Student Appeals process is provided in Schedule 1.

Internal appeal assessment and findings

- 12. The Academic Dean or Student Services Manager will acknowledge receipt of the appeal in writing and commence assessment within ten (10) working days as follows:
 - (a) **Minor grievance:** Commence review the outcome of a minor grievance or a decision under other Institute policy and procedure (only where there has been no involvement in the original resolution) and
 - (b) **All other appeal matters:** Refer all other appeals to a Student Appeals Panel (SAP) convened by the Academic Dean, or independent nominee.
- 13. An SAP 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):
 - (a) an external member of the Academic Board (AB)

- (b) an external member of the Governing Board (GB)
- (c) one academic staff member
- (d) one professional staff member of the Institute employed at a managerial level or above and
- (e) the Chair of the SAP will be either the external AB or GB Member.

14. The Academic Dean or Student Services Manager or Chair of the SAP 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 (support person or student advocate) to accompany them to these consultations.

15. After consideration of all relevant information, the Academic Dean, Student Services Manager or Chair of the SAP will provide a written report including recommendations to the Chief Executive Officer (CEO) for approval.

16. 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 rights to access the external appeals process if dissatisfied with the outcome of the internal appeal process.

External appeal

17. All students have the right to seek external avenues of appeal if dissatisfied with the outcome of an Institute internal appeals processes.

18. A number of external appeal avenues exist for students depending on their status as domestic or international and the nature of the issue. The key agencies are summarised in the table in Schedule 2. In addition students have the option of seeking a mediator or legal advice at their own expense.

Dispute resolution service – all students

19. If any appellant is dissatisfied with an internal appeal outcome, a written request may be made to the Institute seeking an external dispute resolution process facilitated by the Resolution Institute¹.

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

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

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

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

24. The outcome of the mediation, including any recommendations arising, will be reported to the CEO or a 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.

¹ Resolution Institute <https://www.resolution.institute/> accessed 15 March 2024 refer also Schedule 2

25. The Institute agrees to be bound by recommendations from the Resolution Institute and the CEO, or nominee, will ensure that any recommendations made are implemented within twenty (20) working days of receipt of the mediator's report.
26. If student is dissatisfied with an internal appeals outcome, the student may wish the matter to be dealt with through an external dispute resolution process facilitated by the Commonwealth Ombudsman. More detail about the Commonwealth Ombudsman is available in Schedule 2.
27. For matters not covered by the Commonwealth Ombudsman, international students may access other external dispute resolution processes such as Resolution Institute as outlined above.

Outcomes of grievance and appeals processes

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

Further action

29. 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.

Enrolment status

30. Where a student chooses to access any provisions under this Policy and Procedure, the Institute will in most cases maintain the student's enrolment while the appeal process is ongoing. During this whole appeals process, the enrolment of the complainant and respondent will be maintained and students afforded student support under the Student Support Framework.
31. For more information on the enrolment status of an international student in relation to appeals, refer to the Institute's *Student Enrolment and Completion Policy and Procedure*.

Record keeping and confidentiality

32. A written record of all appeals handled under this Policy and Procedure and 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.
33. All records relating to appeals will be treated as confidential and are covered by the Institute's *Records and Data Management Policy and Procedure*.

Reporting

34. The Academic Dean will prepare a report each year analysing data from the *Student Grievance and Appeals Register* for submission to the Governing Board (GB). The report will include any recommendations for improvements to Institute services and operations on the basis of any identified trends.

35. The GB will approve recommendations as appropriate and allocate any necessary budget and responsibility for implementation.

Responsibilities

36. The Academic Dean is responsible for considering requests for internal appeals for in relation to academic matters and preparing an annual *Student Grievance and Appeals Report*.

37. The Student Services Manager is responsible for:

- (a) considering requests for internal appeals in relation to administrative matters and
- (b) maintaining the *Student Grievance and Appeals Register*.

38. The CEO is responsible for:

- (a) approving recommendations from internal appeals and
- (b) ensuring recommendations from internal and external appeals are implemented.

39. The GB is responsible for ensuring that any systemic issues arising from observed trends in grievances and appeals are addressed and monitored.

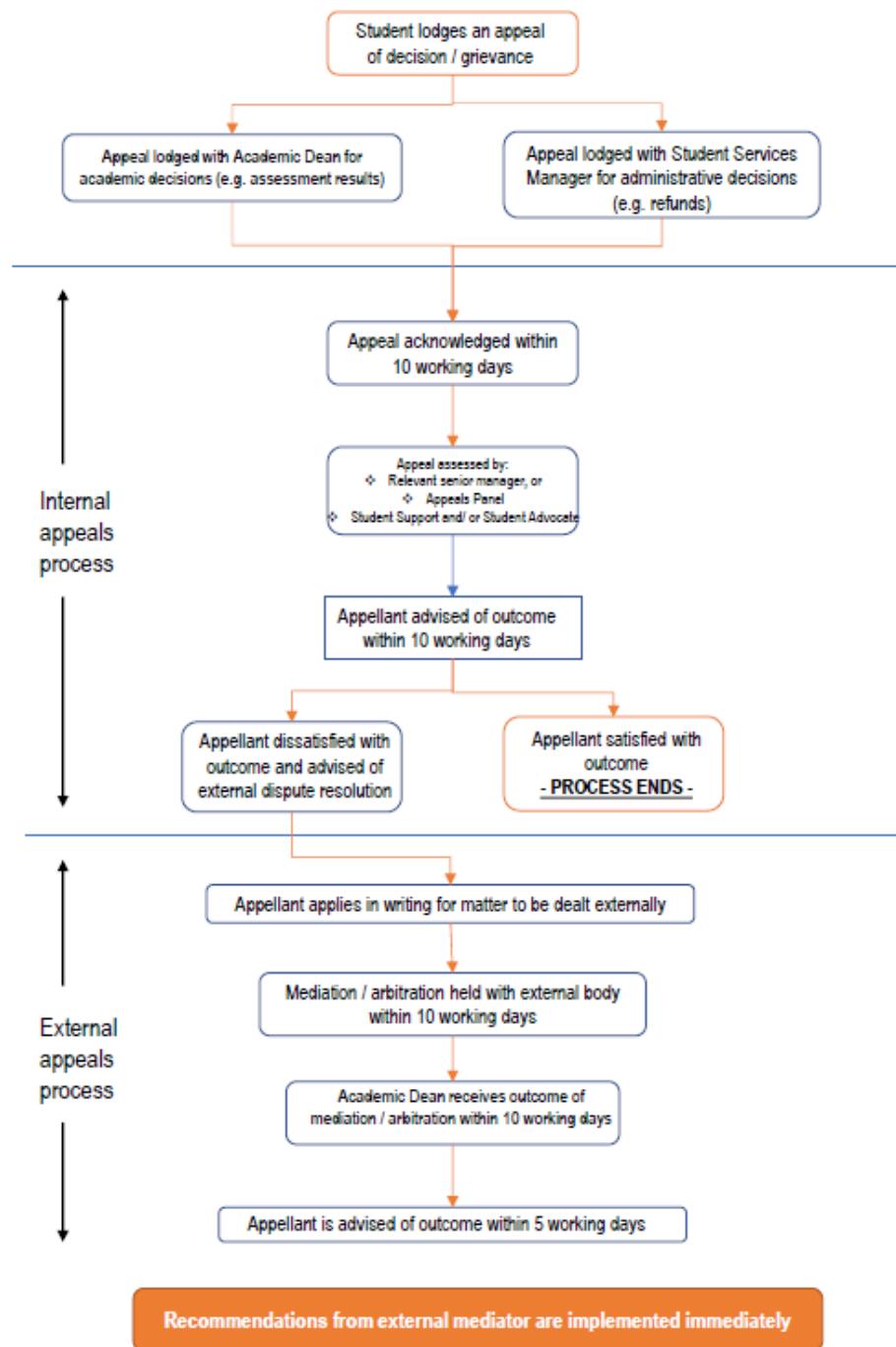
Definitions

40. For the purposes of this Policy and Procedure, the following terms are defined as follows:

Term	Definition
Appeal	An action taken when students wish to challenge the outcome of a grievance or a decision made by the Institute in defined circumstances
Appellant	The student who has lodged an appeal against the outcome of a grievance or a decision made by the Institute
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 Institute's services and activities, such as: <ul style="list-style-type: none"> ■ the enrolment, induction/orientation process ■ the quality of education provided ■ academic processes, including student progress, assessment, curriculum and awards in a course of study ■ handling of personal information and access to personal records ■ attitude and behaviour of academic or administrative staff or ■ the way someone has been treated including victimisation or bullying, discrimination, (non-sexual) harassment, vilification and any matter that arises from a perception of unfair or inappropriate treatment.
Respondent	A person against whom a grievance has been lodged, formal or informal



Flow Chart of Student Appeal Process



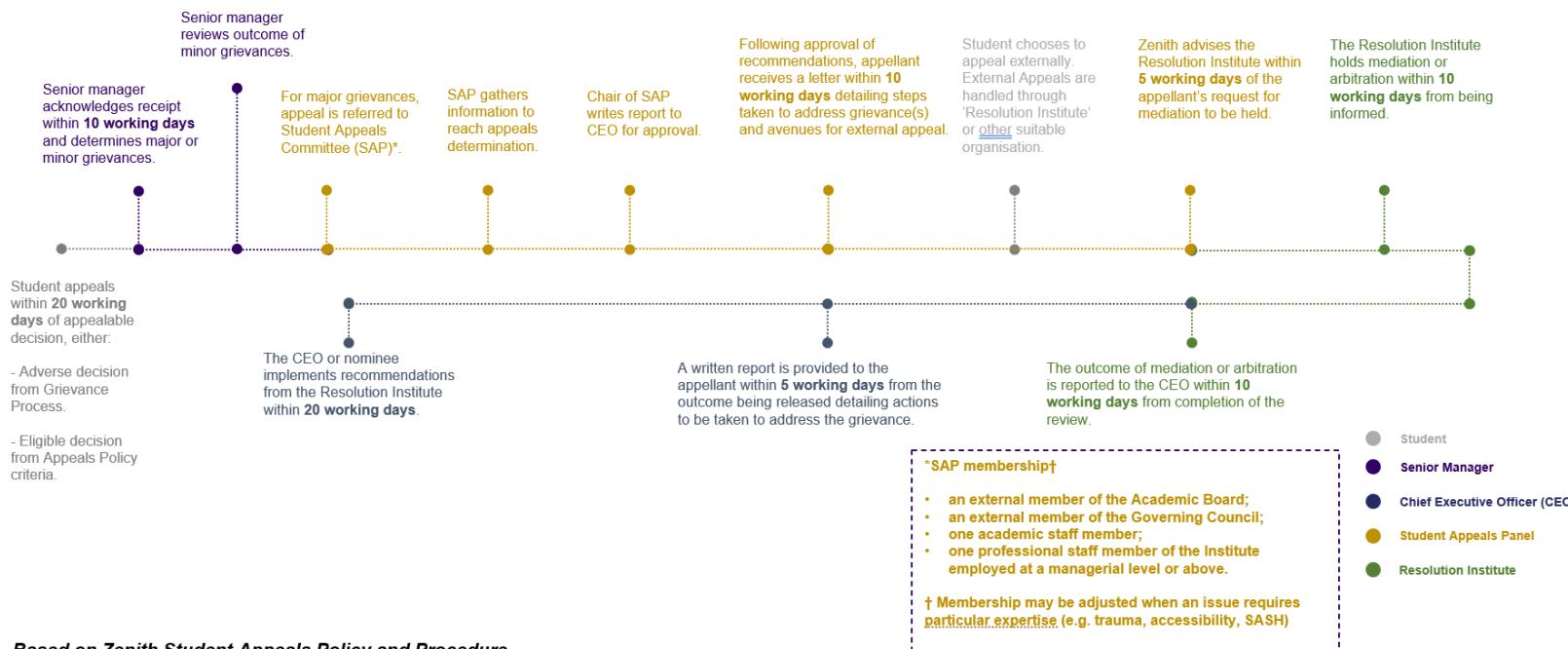
Version control

Version	Changes	Approval Body	Approval Date
1.0	New Policy	Governing Board (GB)	
1.1	Flowchart added	Governing Board (GB)	
1.2	Point 3 b) added “and support” Point 5 d) added “the internal” Point 6 a) added “informed to students during Orientation and put” Point 12 added “in writing” Point 13 e) added “external” Point 14 added “(support person or student advocate)” Point 18 added “their” Deleted heading “International Students” Point 26 deleted “international students” Point 27 added “such as Resolution Institute as” Point 30 added “During this whole appeals process, the enrolment of the complainant and respondent will be maintained and students afforded student support under the Student Support Framework” Renamed “Flowchart” to “Flowchart of Student Appeals Process” Schedule 2 – Split as two table and added External appeals and Additional Options Replaced “Commonwealth Ombudsman” with “National Student Ombudsman”	Governing Board (GB)	
1.3	Point 6 a) replaced “informed” with “communicated” and replaced “put” with “available” Point 9 for a) and b) added “or”	Governing Board (GB)	24 Apr 2025

Schedule 1 – Student Appeals Process Timeline

Zenith Student Appeals Timelines

Students may appeal determinations made regarding grievances under the *Student Grievance Policy and Procedure*, or other eligible decisions made by the Institute that affect them as detailed in the *Student Appeals Policy and Procedure*.



Based on Zenith Student Appeals Policy and Procedure

Schedule 2– Independent complaint-handling and appeal bodies

External Appeals

Issue	Agency	Guidance
General issues	Resolution Institute https://www.resolution.institute/resolving-disputes/tertiary-student-au	Dispute resolution by mediation or arbitration
Complaints (except for quality issues), including: <ul style="list-style-type: none"> ■ 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. 	National Student Ombudsman - Department of Education, Australian Government https://www.education.gov.au/national-student-ombudsman	<p>Students can complain about an education provider regarding unfair treatment and use of incorrect procedure or rules.</p> <p>The Ombudsman also considers cases of inaction or delay, for example, failure by a provider to issue student results within the normal timeframes or failure to provide services that were included in the student's written agreement with the education provider.</p>

Additional Information

Issue	Agency	Guidance
Disability discrimination, sex discrimination, race discrimination, age discrimination is this part of the external appeals process?	Australian Human Rights Commission https://www.humanrights.gov.au/ Complaint form www.humanrights.gov.au/complaints/make-complaint	The Australian Human Rights Commission investigates and conciliates complaints about discrimination and breaches of human rights. Many complaints that the Australian Human Rights Commission receives are resolved through conciliation.
Mishandling of personal information is this part of the external appeals process?	Office of the Australian Information Commissioner https://www.oaic.gov.au/ Complaint form https://www.oaic.gov.au/privacy/privacy-complaints/lodge-a-privacy-complaint-with-us/	The <i>Privacy Act 1988</i> has strict rules about how an organisation or agency handles personal information. If students believe personal information has been mishandled, a complaint can be lodged with the Office of the Australian Information Commissioner for free.
Consumer rights and obligations Note: the ACCC does not resolve complaints but provides information which may be useful to students is this part of the external appeals process?	Australian Competition & Consumer Commission https://www.accc.gov.au/ Complaint form https://www.accc.gov.au/consumers/complaints-problems/make-a-consumer-complaint	The Australian Competition & Consumer Commission may be contacted for information about consumer rights and obligations, and possible courses of action. While the Commission doesn't resolve individual complaints, it will use the information you provide to help them understand what issues are causing the most harm to Australian business and consumers, and where to focus its compliance and enforcement efforts.
Housing and rentals, guardianship orders, administration orders, reviews of NCAT decisions,	NSW Civil and Administrative Tribunal (NCAT)	Sufficient legal evidence is required to support the allegation. As a legal avenue, the process is more

Issue	Agency	Guidance
advanced care directives, mental health, reviews of government department decisions, disciplinary action births, deaths and marriages equal opportunity, children and young people	<p>https://www.ncat.sa.gov.au/</p> <p>Complaint form</p> <p>https://ncat.nsw.gov.au/forms-and-fees/forms.html</p>	<p>formal than voluntary dispute resolution processes. NCAT may suggest mediation before hearing a matter.</p> <p>There is a fee to apply for resolution through NCAT.</p>
Compliance with the TEQSA Act, Higher Education Standards Framework, ESOS Act and National Code	<p>Tertiary Education Quality and Standards Agency</p> <p>https://www.teqsa.gov.au/complaints</p>	<p>The Tertiary Education Quality and Standards Agency receive complaints about providers' compliance with the TEQSA Act, Higher Education Standards Framework, ESOS Act and National Code.</p> <p>If the complaint is accepted, the information provided will be reviewed. The outcome of this review will determine how the complaint will proceed.</p>