

# ACADEMIC GRIEVANCES, COMPLAINTS AND APPEALS PROCEDURE

<b>Procedure Name</b>	<b>Academic Grievances, Complaints and Appeals Procedure</b>
<b>Procedure Number</b>	A001
<b>Approval Authority</b>	Board of Directors
<b>Responsible Officer</b>	Dean and Principal
<b>Operational Responsibility</b>	General Manager
<b>Purpose</b>	The purpose of this procedure is to detail the steps LCI Melbourne will take to resolve an academic grievance, complaint or appeal that has been initiated by a student.
<b>Scope</b>	This policy applies to all students, employees and contractors involved in the provision of teaching and learning in accredited Higher Education courses at LCI Melbourne.
<b>Procedure</b>	<p>The following procedure requires actions by the following who have rights and responsibilities under the terms of this procedure:</p> <ul style="list-style-type: none"> <li>• students</li> <li>• Academic Manager</li> <li>• course coordinators</li> <li>• academic staff</li> <li>• Dean and Principal</li> </ul> <p><b>Contesting Teaching Practice</b></p> <p>LCI MELBOURNE recognises that students may have concerns about their educational experience and require guidance in addressing these issues.</p> <p>If a student or students sense that the teaching practices of an academic are negligent in the classroom (i.e. he or she does not present a course outline, provide evaluation feedback, manage the classroom effectively etc.) or have concerns regarding teaching and learning methodologies, they are encouraged to raise their concerns directly with the academic in question. In cases where no informal resolution of the problem seems possible, students may initiate the formal academic complaints process.</p> <p>Students addressing issues may only speak for themselves and, therefore, may not speak on behalf of others. Students should address concerns in a manner oriented toward a positive solution.</p>

	<p><b>Stage 1. Informal discussion</b></p> <p>Informal discussion is between the student and the academic involved. Normally within 10 working days of the occurrence of the grievance or complaint the student should liaise with the academic concerned and discuss their concerns with a view to arriving at a mutually agreeable resolution.</p> <p>The student is responsible for ensuring, in entering this informal discussion that they make clear the nature and grounds of the grievance or complaint and, where applicable, provide evidence to support any claims.</p> <p>The staff member shall normally respond to the student within 10 working days of the student's initial raising of their grievance or complaint.</p> <p>If the student is satisfied with the response at this stage, no further action is required. If the student is dissatisfied with the response, or the decision outcome or the time taken to resolve the matter, he or she should proceed to Stage 2.</p> <p><b>Stage 2. Formal Internal Complaint</b></p> <p>If the student or students is dissatisfied with the outcome of the informal resolution process the student/s may submit in writing to the Academic Manager, within ten (10) working days from the date of notification of the outcome from the informal review process, a request for a formal review.</p> <p>The written request shall state the following:</p> <ul style="list-style-type: none"> <li>• An outline of the student/s complaint</li> <li>• details of the outcome of the informal resolution process</li> <li>• any new and relevant evidence</li> </ul> <p>The Academic Manager will read the student's communication and will determine if a formal resolution process is warranted.</p> <p>If a formal review is warranted the Academic Manager will investigate the complaint, consult the results of the most recent classroom observation as well as teaching evaluations by students, to see if any similar cases have already been observed by the Academics supervisors, and whether they have been followed up on.</p> <p>The Academic Manager will meet with the concerned Academic in the presence of a third party if necessary – for example the Course Coordinator, depending on the gravity of the situation; and makes a classroom observation to verify the student or students' assessment of the situation. If the Academic Manager determines that a problem may exist, the Academic Manager may put forth an action plan for the Academic in order to implement tangible solutions.</p> <p>The Academic Manager in collaboration with the Course Coordinator will continue to monitor the situation. Should the situation fail to improve, further</p>
--	---

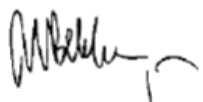
	<p>measures may be taken in consultation with the Academic Manager on a case-by-case basis. The student will receive a written explanation of the resolution.</p> <p>If the Academic Manager does not consider a formal review is warranted, a letter so advising the student must be sent within ten (10) working days of submission of the request for a formal review. The student must be advised as to why no formal review has been initiated.</p> <p><b>Stage 3. Formal Internal Appeal</b></p> <p>A student may formally appeal a decision made at Stage 2, normally within ten (10) working days of their receipt of the written response.</p> <p>The student must lodge the appeal with the Dean and Principal. The student should as part of this communication:</p> <ul style="list-style-type: none"> <li>• make clear the nature and grounds for his or her appeal;</li> <li>• provide the date of the initial decision (if applicable);</li> <li>• explain why a reconsideration is being requested (if applicable);</li> <li>• attach copies of any written communication between the student and the staff member that took place at Stage 1 and/or Stage 2 (if applicable);</li> <li>• attach evidence that supports his or her grounds for grievance, complaint or appeal, where available (which may include new evidence).</li> </ul> <p>The Dean and Principal may make a determination or establish an Academic Appeals Committee of two or three members nominated by the Dean and Principal. The staff member to whom a formal grievance or complaint was lodged at Stage 2, may not be nominated to be part of the Academic Appeals Committee. In the course of this investigation, the Dean and Principal, and any staff designated to be involved in the investigation, has the discretion to:</p> <ul style="list-style-type: none"> <li>• consult with relevant academic and administrative staff, as well as students of the Institute, on</li> <li>• matters pertaining to the case; and/or</li> <li>• request the student to meet with the Committee in person or via teleconference to discuss the case.</li> </ul> <p>The student will be advised of the outcome of the appeal in writing within 28 days of receipt of the student's written appeal.</p> <p>This response will make clear whether, as a result of the findings from the investigation, it has been decided to:</p> <ul style="list-style-type: none"> <li>• confirm the original decision; or</li> <li>• vary the original decision, stating the details of the variance; or</li> <li>• set the decision aside and substitute a new decision, stating the new decision.</li> </ul> <p>If the student is satisfied with the response at this stage, no further action is required. If the student is dissatisfied with the response to the decision</p>
--	---

	<p>outcome, or the time taken to resolve the matter, he or she can proceed to Stage 4.</p> <p><b>Stage 4: External appeals</b></p> <p>Students are encouraged to complete all internal complaints and appeals processes in an effort to try and resolve their complaint before taking any external action. If the student feels that the outcome of their appeal is unfair or incorrect, the student is able at any time to apply for an external appeal. LCI Melbourne will participate fully in any such external appeal and resolution process.</p> <p>External agencies include:</p> <ul style="list-style-type: none"> <li>• Consumer Affairs Victoria (VIC)</li> <li>• Administrative Appeals Tribunal</li> <li>• The Resolution Institute</li> </ul> <p><b>Contesting Grades</b></p> <p>LCI Melbourne students have the right to request the re-evaluation of their graded works if they suspect unfair or biased treatment.</p> <p>When a graded work corresponds to an oral presentation or performance that is not recorded; the transient nature of the production does not normally allow for re-evaluation.</p> <p>Before requesting a grade re-evaluation, students are encouraged to resolve their grading disagreements directly with the academic concerned. If the disagreement persists, the student may initiate a formal re-evaluation as a last recourse.</p> <p>Students must be aware that when requesting a formal grade re-evaluation, their initial grades may be maintained, raised or lowered.</p> <p><b>Stage 1: Informal resolution process</b></p> <p>If a student is not satisfied with a grade received for any assignment or test, or feels that he or she was unfairly assessed and can provide evidence that a higher grade is warranted, he or she must first meet with the Academic in question within ten (10) business days from receiving the concerned grade, unless there are extenuating circumstances. During this meeting, the academic must provide the student with a clear explanation of the received grade in relation to the instructions and evaluation criteria of the assignment or exam.</p> <p>If this meeting does not lead to a satisfactory agreement, the student is invited to follow the formal grade revision procedures detailed below Stage 2.</p> <p><b>Stage 2: Formal resolution process</b></p>
--	--

	<p>The student must complete a Grade Revision Request Form (see Appendix I, of this procedure, within fifteen (15) business days of receiving the concerned grade, unless there are extenuating circumstances, and submits it to the Course Coordinator. The student who makes a complaint is authorised to be represented by an Advocate at any stage throughout the dispute process.</p> <p>In a situation where the Course Coordinator is absent or referred to in the complaint, the written request is to be directed to the Academic Manager (or his or her alternate).</p> <p>The person handling the complaint informs the concerned academic of the grade re- evaluation request and asks the concerned academic to present his or her rationale for the grade.</p> <p>If the person handling the complaint is satisfied with the response from the academic concerned, he or she arranges to meet with the student within ten (10) days following the submission date of the written request, unless there are extenuating circumstances, to explain the factors regarding the grade received.</p> <p>If the student is satisfied with the response from the person handling the complaint, the person handling the complaint prepares a written summary of the above determination.</p> <p>When the investigation is complete, the person handling the complaint provides the student and the academic with a written summary of the decision within five (5) days, and lodges a confidential record of the investigative proceedings.</p> <p>If the student is dissatisfied with the response, or the decision outcome, he or she should proceed to Stage 3.</p> <p><b>Stage 3. Formal Internal Appeal</b></p> <p>A student may formally appeal a decision made at Stage 2, normally within ten (10) working days of their receipt of the written response.</p> <p>The student must lodge the appeal with the Dean and Principal. The student should as part of this communication:</p> <ol style="list-style-type: none"> <li>a) make clear the nature and grounds for his or her appeal;</li> <li>b) provide the date of the initial decision (if applicable);</li> <li>c) explain why a reconsideration is being requested (if applicable);</li> <li>d) attach copies of any written communication between the student and the staff member that took place at Stage 1 and/or Stage 2 (if applicable);</li> <li>e) attach evidence that supports his or her grounds for grievance, complaint or appeal, where available (which may include new evidence).</li> </ol> <p>The Dean and Principal may make a determination or establish an Academic Appeals Committee of two or three members nominated by the Dean and Principal. The staff member to whom a formal grievance or complaint was</p>
--	---

	<p>lodged at Stage 2, may not be nominated to be part of the Academic Appeals Committee.</p> <p>In the course of this investigation, the Dean and Principal, and any staff designated to be involved in the investigation, will:</p> <ul style="list-style-type: none"> <li>• review the complainant's justification for the appeal and the previous proceedings to ensure that all previous procedures have been conducted efficiently and in compliance with this Procedure</li> <li>• give notice to the Academic Manager if the appeal is warranted and if a re-mark of the student's work should take place; or</li> <li>• give notice that the appeal has not been upheld to the Academic Manager, in which case the decision of the person(s) handling the appeal is final and cannot be appealed further;</li> <li>• during and subsequent to the hearing, advises the complainant in writing of the re-mark of the student's work;</li> <li>• select one or two academics having no previous exposure to the complaint from the same discipline who will re-mark the assignment based on the grading criteria used by the academic who initially graded the work;</li> <li>• give notice of the investigative findings to the complainant, the respondent and Academic Manager.</li> <li>• request the Academic Manager to authorise a change in the grade, if warranted. The initial grade may be maintained, raised or lowered.</li> <li>• When the investigation is complete, the person handling the appeal provides a written summary of the decision to the complainant and the academic concerned and lodges a confidential record of the investigative proceedings.</li> </ul> <p>If the student is satisfied with the response at this stage, no further action is required. If the student is dissatisfied with the response to the decision outcome, he or she can proceed to Stage 4.</p> <p><b>Stage 4: External appeals</b></p> <p>After all appropriate forms of internal resolution have been exhausted, if still not satisfied with the outcome, a student will be informed that they may request an external review. The process for external review differs depending on whether the student is domestic or an overseas international student. In either case, however, LCI Melbourne will maintain the students' enrolment until the appeals process is complete, except in extenuating circumstances relating to the student's welfare.</p> <p><b>Domestic Students</b></p>
--	---

	<p>Resolution Institute, provides mediation and dispute resolution services that are external to LCI Melbourne and available to students on a cost recovery basis. A student wishing to access this resource can contact LCI Melbourne's Student Support Staff and request that LCI Melbourne instigate the process with Resolution Institute; alternatively, the student can contact directly via <a href="http://www.resolution.institute">www.resolution.institute</a> or by a free call: 1800 651 650. If the student chooses the latter option, they should inform LCI Melbourne that they are doing so.</p> <p>Resolution Institute will provide the names of several available mediators and the cost of their services. The student and LCI Melbourne each agree to pay 50% of the costs incurred.</p> <p>Once a mediator has been chosen, all parties will enter into an Agreement to Mediate and will provide any other relevant documents in a timely manner.</p> <p>If the outcome of mediation supports the student, LCI Melbourne will ensure the decision and/or any corrective or preventative action required is implemented as soon as practicable, and the student advised of the outcome.</p> <p>A domestic higher education student may also lodge an external appeal or complaint against the outcome of the internal appeal process by contacting the Administrative Appeals Tribunal (AAT) for an independent review. For more information, please see <a href="http://www.aat.gov.au">www.aat.gov.au</a>.</p> <p><b>Overseas Students</b></p> <p>The Overseas Students Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider. See the Overseas Students Ombudsman website or phone 1300 362 072 for more information. <a href="http://www.oso.gov.au">www.oso.gov.au</a></p> <p>If the decision supports the student, LCI Melbourne will ensure the decision and/or any corrective or preventative action required is implemented as soon as practicable and the student advised of the outcome.</p> <p><b>Further Avenues</b></p> <p>The procedures described above do not circumscribe a student's right to pursue other remedies, nor remove the student's right to take further action under Australia's Consumer Protection Laws.</p> <p>Any student may also contact the Tertiary Education Quality and Standards Agency (TEQSA), Australia's regulatory and quality agency for higher education. Further information is available at: <a href="http://www.teqsa.gov.au/complaints">www.teqsa.gov.au/complaints</a>.</p>
Relevant Legislation	<p>Tertiary Education Quality and Standards (TEQSA) Act 2011  Higher Education Standards Framework (Threshold Standards) 2015  Education Services for Overseas Students Act 2000  Education Services for Overseas Students Regulations 2001  Australian Qualifications Framework (AQF)  Migration Act 1958</p>

	National Code of Practice for Providers of Education and Training to Overseas Students 2018 Higher Education Support Act 2003 Privacy Act 1988		
Key Related Documents	Admissions Policy Credit Transfer & RPL Policy Employee & Student Access and Equity Policy Terms and Conditions of Enrolment Complaints and Appeals Policy and Procedure Student Non-Academic Complaints Policy and Procedure Refund of Fees – Domestic Refund of Fees – International		
Date Approved	22 October 2019		
Date of Commencement	22 October 2019		
Date for Review	Q3 2022		
Documents superseded by this Procedure	Academic Complaints & Appeals Policy 2018		
Amendment History	New Procedure		
Signed and dated for LCI Melbourne		Prof Warren Bebbington	22 October 2019