VET FEE-HELP ACADEMIC GRIEVANCE AND APPEALS POLICY

PURPOSE
This policy provides information relating to Grievances and Appeals for students and persons who are or would be entitled to VET FEE-HELP assistance (HESA – Schedule 1A, Part 1, Subdivision 4D, Clause 19 and VET Guidelines Chapter 5.3). The Grievance and Appeals process is at no cost to the complainant, and is applicable regardless of the location of TAFE Queensland North (TQN) campus at which the Grievance or Appeal has arisen, the complainant’s place of residence or the mode in which they study.

The purpose of an external appeals process is to review the decision made by TQN to determine the fairness of the decision in line with TQN’s policies and procedures. TQN will give due consideration to any recommendation made as a result of the external review.

SCOPE
This policy applies to both students and persons seeking to enrol that are, or would be, entitled to VET FEE-HELP assistance under clause 43 of Schedule 1A of the Act. The VET FEE-HELP Academic Grievance and Appeals Policy relates to TQN’s activities including academic misconduct, enrolment determinations, student progress, assessment, awards and learning materials and include complaints in relation to the student’s academic records.

DEFINITIONS

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<th>Academic Misconduct</th>
<th>Academic misconduct includes but is not limited to cheating, including supporting others in cheating, plagiarism, electronic plagiarism, unauthorised collusion and falsifying information.</th>
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<td>Appeal</td>
<td>Request by a complainant to have a matter heard and/or re-considered after receiving an unfavourable decision.</td>
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<td>Appeals Panel</td>
<td>A panel formed to hear VET FEE-HELP academic appeals. The panel will comprise three members of TQN’s Educational Council including the Chair and two other members: one internal and one external who have no previous involvement in the matter under appeal.</td>
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| Compassionate or Compelling Circumstances | Circumstances considered to be beyond the control of the complainant and may include:  
  • Serious injury (a medical certificate is provided)  
  • Bereavement of close family members (a death certificate may be provided)  
  • Major political upheaval or natural disaster in their home country  
  • A traumatic experience (ie car accident; witnessing a crime or being involved in a crime etc). |
| Complainant         | A student or person seeking to enrol that is, or would be, entitled to VET FEE-HELP assistance under clause 43 of Schedule 1A of the Act, who makes a complaint to TQN. |
| Customer Satisfaction and Feedback | Customer Feedback – Procedure for complainants to provide feedback on the products or services offered by TQN. |
| Department of Innovation | The Department of Industry, Innovation, Client Change, Science, Research and Tertiary Education. |
| External Appeal     | Appeal heard by a party external to TQN. |
**Grievance**
A cause of dissatisfaction where the complainant has an honest belief, based on reasonable grounds, that an academic decision and/or action, an administrative decision and/or action, or the behaviour of another student or staff member is unfair and/or unreasonable.

**Internal Appeal**
Appeal heard by nominated staff within TQN.

**Ombudsman**
The Queensland Ombudsman's Office is an independent complaints investigation agency. The Ombudsman investigates complaints about the actions and decisions of Queensland public agencies and their staff that may be unlawful, unreasonable, unfair, improperly discriminatory or otherwise wrong.

**TQN**
TAFE Queensland North

**VET FEE-HELP**
The Commonwealth Government loan scheme to assist eligible students to pay their VET tuition fees, and can cover all or part of the student’s tuition fees for VET unit/s of study which form part of a VET course of study. These must be undertaken with a body which is approved as a VET Provider under Schedule 1A of the Higher Education Support Act 2003 (HESA).

**POLICY**
The purpose of an internal appeals process is to have unfavourable decisions heard and/or reconsidered by relevant staff within TQN.

Should a complainant be dissatisfied with the outcome of the internal appeals process, they have the right to take their case to an external independent body. The purpose of an external appeal process is to enable the complainant to have an independent body available to handle their individual grievance appeals independently of TQN and review the fairness of the decisions made.

**General Information**
- Academic grievances may include but are not limited to: enrolment outcomes, poor teaching, administrative errors, course delivery, assessment, grades, issuing of awards, graduation, teaching facilities and learning resources.
- VET FEE-HELP Academic Grievances and Appeals should be submitted using TQN’s ‘VET Academic Grievance and Appeal Form’
- Complaints about TQN staff are processed in accordance with TQN’s – Customer Satisfaction and Feedback procedure.
- Complainants may provide feedback on products and services offered by TQN in accordance with TQN - Customer Feedback Form.
- Appeals regarding Academic Misconduct matters are processed in accordance with the TQN Student Rules as published in the Student Diary each year.
- TQN will give due consideration to any recommendation made as a result of the external review and implement agreed recommendations.
- The VET FEE-HELP grievance and appeals requirements will be maintained in accordance with the VET Guidelines.

**Appeals Information**
- A complainant has the opportunity to formally present their case at no cost.
- A complainant will not be victimised or discriminated against at any stage of the process outlined in this policy.
- The Grievance or Appeal must be lodged within 10 business days of the date the decision was communicated to the complainant in writing by the Director Education and Training. If the appeal is not lodged within the specified timeframe, the decision will stand.
- The Appeals process will be finalised and communicated to the complainant within 20 business days of the formal lodgement of the ‘VET Academic Grievance and Appeal Form’ and relevant supporting documentation.
• The complainant and/or respondent has the right to be accompanied and assisted by a support person in every relevant meeting they attend.
• The complainant and/or respondent will be provided with a written statement of the outcome of the internal appeals process within 5 working days of the appeal hearing, including details of the reasons for the outcome, and any actions to be undertaken.
• A complainant's enrolment will be maintained, and the complainant is required to attend all classes during an internal appeals process.
• If a complainant is dissatisfied with the TQN appeals process, they can contact the Queensland Ombudsman's Office http://www.ombudsman.qld.gov.au/AboutUs.aspx
• The Ombudsman will only intervene where TQN's appeals process was not conducted correctly or if TQN did not make the appeals process available to the complainant.
• Complainants' who wish to exercise their right to have their case heard by an external body, must notify TQN's General Manager within 5 business days of receiving written notification of the outcome of the internal appeals process.
• Complainants are required to immediately advise TQN of the outcome of the external appeals process.
• Records of all Grievances and Appeals must be kept and be accessible to all interested parties for a period of 5 years. Such records will remain confidential. Parties to the complaint will be allowed supervised access to these records as per requirements in VET Guidelines 5.3.2 (f).

Internal Appeals

Complainants have the right to appeal decisions which they consider to be unfavourable and/or unreasonable in relation to:

• Academic misconduct
• Academic progress
• Eligibility to receive an award
• Learning materials and facilities
• Assessment and grades

In the first instance, complaints should be discussed informally with the person/s involved, usually their teacher. However, if this is impracticable, complainants lodge a formal complaint with the relevant Portfolio Manager.

This arrangement is free of charge. A decision will be made within 15 business days and communicated to the complainant in writing within 5 business days of the decision.

If this does not resolve the complaint, complainants may submit their appeal in writing by completing a 'VET Academic Grievance and Appeal Form' for consideration by the Academic Appeals Panel. All documentation lodged must be original documents or certified copies, no photocopies or facsimiles will be accepted.

Complainants must outline the decision and reasons for the appeal, including any compassionate or compelling circumstances, and may provide documentary evidence in support of their appeal. Appeals must be received within 10 business days of receiving notification of the original decision.

Lodging Academic Grievance and Appeal Forms:

By mail:
The General Manager
TAFE Queensland North
PMB 1
CAIRNS QLD 4870

In person:
Customer Service Centre
TAFE Queensland North
H Block, Eureka Street
CAIRNS QLD 4870
Outcome of Internal Appeals

The Academic Appeals Panel will review the application within 15 business days of receipt of the appeal. The Panel will provide the complainant with a written statement including details of the reasons for the outcome, and any actions to be undertaken within 5 business days of the decision being made. A complainant who is not satisfied with the result of the internal appeals process, has the right to pursue the external appeal processes as outlined below.

External Appeals

Should a complainant be dissatisfied with the outcome of the internal appeals process, they have the right to take their case to an external independent body.

The purpose of an external appeal process is to consider whether TQN has followed its policies and procedures. The purpose of an external appeals process is to review the decision made by TQN to determine the fairness of the decision in line with TQN’s policies and procedures. TQN will give due consideration to any recommendation made as a result of the external review. For example, if a complainant takes their case to the external body (following the internal appeals process) appealing against cheating, the external appeals process would look at the way in which the internal appeal was conducted. The external body would not make a determination as to whether the complainant should be deemed to have engaged in cheating.

Complainants may refer their appeal to the Queensland Ombudsman’s office. There is no cost for lodging appeals. The Ombudsman will investigate the case, make an assessment and advise the complainant of the outcome. The Ombudsman’s Office will also notify the General Manager of TQN of the outcome of the external appeal.

Further information is available at www.ombudsman.qld.gov.au or by contacting the Queensland Ombudsman’s office:

Phone: (07) 3005 7000
Toll Free (outside Brisbane): 1800 068 908
Fax: (07) 3005 7067
TTY: 3006 8174
Email: ombudsman@ombudsman.qld.gov.au

Lodging Appeals with the Queensland Ombudsman’s Office:

By mail: GPO Box 3314
         Brisbane QLD 4001

In person: Level 25, 288 Edward Street
           Brisbane QLD 4000

Outcome of External Appeals

If the Queensland Ombudsman makes recommendations in relation to a Grievance or Appeal they have reviewed, the Ombudsman will forward those recommendations to TQN’s General Manager who will ensure that the recommendations are implemented within 30 days.

DOCUMENTATION

POL06_52 VET FEE-HELP Non-Academic Grievance and Appeals Policy
PR06_04 VET FEE-HELP Academic Grievance and Appeals Procedure
PR08_06 Have Your Say Procedure
FM08_06a Have Your Say
REFERENCES

- Standards for NVR Registered Training Organisations 2011 Part 3, SNR 16, view at www.comlaw.gov.au

DOCUMENTATION AUTHORISATION

THIS POLICY HAS BEEN APPROVED BY THE GENERAL MANAGER:

| Policy Owner(s): | Director Finance and Performance |

02/07/2014
POL06_48