

APPEALS POLICY AND PROCEDURE

Responsible Officer	Executive Dean Academic Affairs
Approved by	Academic Board
Approved	26 September 2019
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Relevant Legislation and Policies	<u>Education Services for Overseas Students Act 2000 (ESOS) and Regulations 2019 (ESOS)</u> <u>Higher Education Standard Framework 2015</u> <u>National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (The National Code)</u> <u>National Standards for Foundation Programs</u> <u>Tertiary Education and Quality and Standards Agency Act 2011 (TEQSA)</u>
Responsible Organisational Unit	Academic Affairs

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1. Policy Statement

1.1 Authority

The Australian Institute of Music Limited (AIM), known as ‘the Institute’, is governed by the Board of Directors (BoD) with academic authority delegated to the Academic Board (AB). The BoD and AB share joint responsibility for ensuring that all policies and procedures follow ‘best practice’ principles for Higher Education and other sectors of educational delivery, in compliance with relevant Australian legislation and current regulatory requirements.

The Institute will treat all appeals seriously, ensuring that the policy is fair, the procedures are clear, and the details of the process are kept confidential for all parties, except where disclosure of information may be required by law. A strong focus for this policy is efficient and positive resolutions for appeals and a restoration of positive and cooperative working relationships.

1.2 Application

This policy and procedure applies to Quality Assured (QA) delivery of accredited AIM programs offered at the Sydney and Melbourne campuses. If applicable, this policy and procedure will also apply in future, wherever QA AIM programs are approved for delivery elsewhere in Australia or overseas.

1.3 Purpose

The purpose of this policy and procedure is to ensure that:

- The integrity of the appeals process is understood and upheld
- Appeal processes are in line with best practice principles underpinning the Higher Education Standards Framework (HESF 2015)
- The conduct and recording of appeal outcomes are appropriate, fair, equitable and accurate
- The Institute treats all appeals seriously and will ensure that all processes are both reasonable and confidential
- The Institute provides adequate and easily activated dispute-resolution procedures to deal with appeals
- The principles of natural justice will be followed to achieve an acceptable outcome
- The Institute is committed to dealing with appeals only after process to seek resolution at informal and local levels has been undertaken.

Most issues can be resolved at an early stage by talking with the individual lecturer/s and/or professional staff and with the supervising member of staff most concerned with the issue. Matters which are resolved quickly and locally have the greatest chance of ensuring good working/ teaching/ learning relationships.

1.4 Scope

This policy and procedure ensures:

- All students are entitled to access these procedures to submit an appeal about, for example, processes or results, academic integrity, a complaint or a disciplinary matter regardless of the location of the campus at which the basis for the appeal has arisen
- No student will be inappropriately advantaged, victimised or discriminated against in any of the stages set out in this policy.

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1.5 Coverage

Appeals cover any query or concern which has not been resolved through informal and formal processes set out in AIM's various policies and procedures.

Appeals may focus on the specified circumstances, conditions and consequences of decisions made in a number of areas, for example:

- The denial of an application for extension of the submission of an assessment or a request for a deferred examination, or a request for special consideration
- A penalty applied as a result of a breach of academic integrity decision
- Progression decisions
- The decision to suspend or cancel enrolment
- A disciplinary matter
- The proposed resolution of a grievance or complaint
- The allocation of grades for assessed work
- Award of credit through RPL processes
- Learning and teaching delivery
- Tuition fees and charges
- Variation of enrolment.

1.6 Special Conditions or Exceptions

N/A

2. Procedures

2.1 Implementation

2.1.1 Grounds For An Appeal

Appeals may only be lodged on the grounds of:

- A lack of procedural fairness
- Administrative error
- Unforeseen, compassionate and compelling evidence which was not made known at the time of the consideration of the matter in question.

For an appeal to be heard, students must submit an *Appeals Application Form* together with supporting evidence. Appeals will only be considered if there is documented evidence that both informal and formal processes of the specific AIM policy and procedure relating to the notification of the decision against which the appeal is being made have been followed and completed.

All appeals will be heard by the AIM Appeals Panel (AAP) convened as required by the Executive Dean Academic Affairs.

The AAP is a sub-committee of the AIM Academic Board (AB) with responsibility for reviewing compliance with AIM's policies and procedures.

2.1.2 AIM Appeals Panel

Each year the AB will appoint an Appeals Panel

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2.1.2.1 The Chair of the AAP will be the Executive Dean Academic Affairs (EDAA) or another member of the AAP nominated by the EDAA from the permanent sitting voting members who are drawn from AIM academic staff. The membership of the AAP will comprise:

- Executive Dean Academic Affairs (normally the Chair of the Committee)
- Head or Associate Head(s) of Learning and Teaching
- One professional member of staff
- One student representative
- Academic Administration Manager.

The quorum of the AAP shall be a minimum of three members, one of whom should be a student representative.

Where relevant, additional members may be co-opted into deliberations in an advisory capacity as appropriate and in particular in cases where the appeal results in a conflict of interest with a sitting member.

2.1.2.2 The AAP will normally meet within 10 days of receipt of an appeal. A quorum of three of six panel members is required to convene the Panel.

2.1.2.3 Should a member of the Panel be personally involved in an appeal, or declare a conflict of interest, that member is required to stand down as a member for that case with a substitute nominated by the Executive Dean Academic Affairs.

2.1.2.4 Appeals decisions must be ratified by a majority vote from the Panel, with the Chairperson having the authority to cast a deciding vote where decisions are deadlocked.

2.1.2.5 Should a student have a concern relating to the decision of the AAP, the student may lodge this with the external arbitration service.

2.2 Process

If a student continues to show unsatisfactory attendance, AIM reserves the right to withdraw the student from the unit of study. A 'Withdrawn Fail' result with financial penalty may be recorded.

2.2.1 Students wishing to appeal the notification of a decision made in relation to a matter considered under one of AIM's policies and procedures must:

- submit an *Appeals Application Form* located on SharePoint
- attach supporting evidence / documentation
- provide details of the informal and formal processes and decisions made relating to the appeal
- state clearly the outcome that is sought

2.2.2 The Academic Administration Manager will examine the appeal documentation within five (5) working days of the lodgement of the appeal and determine if there are grounds on which an appeal should be heard

2.2.3 If the Academic Administration Manager determines that there are grounds and evidence to support an Appeal, they will notify the student in writing and arrange a meeting of the AAP.

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2.2.4 If the Academic Administration Manager determines that there are insufficient grounds and evidence to support an appeal the student will be notified in writing within five (5) working days of the lodgement of their *Appeals Application form*

2.2.5 The AAP will normally be convened within 10 working days following the notification of the decision to convene the AAP. The students will be informed that they will be invited to attend the meeting of the AAP and that they may bring a support person with them.

2.2.6 The Student and members of the AAP will be provided with copies of all documentation and evidence relating to the Appeal.

2.2.7 The AAP will convene a hearing at which they will consider all the evidence relating to the appeal and provide the student with the opportunity to make a statement. The AAP will, following consideration of all the evidence, make a decision to either:

- a. uphold the appeal; or
- b. reject the appeal

and will notify the student in writing of the outcome within five (5) working days of the meeting of the AAP.

2.2.8 There are no further avenues of appeal once the AIM Appeals Panel has made their final decision.

2.2.9 If the student remains dissatisfied with the outcome, they will be advised that they can raise the matter with external arbitration and ombudsman services.

2.3 Types of Appeals

Types of Appeals may include the following:

- a. Appeal against an unsuccessful application for Extension of Assessment/Exam/Performance Decision
- b. Appealing an Assessment Result (excluding mid-study period or final exams)
- c. Appealing a Mid-Study Period or Final Exam Result
- d. Appealing an Assessment Penalty imposed for a breach of Academic Integrity
- e. Appealing a Grade Withheld
- f. Appealing a Notice of Intention to Cancel Enrolment (NOTICE)
- g. Appeal against a decision relating to a Grievance or complaint
- h. Appeal against a penalty imposed following a misconduct matter
- i. Appeal against a decision relating to Discrimination.

3. Accountabilities

3.1 Responsible Officer

- a. **Director Academic Affairs (EDAA):** overall responsibility for this policy
- b. **AIM Appeals Panel (AAP)** is the ratified committee who will examine and make decisions related to appeals. The authority for determining student's academic or professional conduct lies with this Committee.

3.2 Contact Officer

- a. **Academic Administration Manager:** maintains the Institute's *Appeals Register* and determines whether there is sufficient grounds for an appeal hearing.

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4. Supporting Information

4.1 Legislative Compliance

This Policy & Procedure supports AIM’s compliance with the following legislation:

- [Education Services for Overseas Students Act 2000 \(ESOS\) and Regulations 2019 \(ESOS\)](#)
- [Higher Education Standard Framework 2015](#)
- [National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 \(The National Code\)](#)
- [National Standards for Foundation Programs](#)
- [Tertiary Education and Quality and Standards Agency Act 2011 \(TEQSA\)](#)

4.2 Supporting Documents

- *Student Grievances and Complaints Application*
- *Appeals Application Form*
- *Appeals Register*

4.3 Related Documents

- *Academic Progression and Intervention Policy and Procedure*
- *Assessment Policy and Procedure*
- *Student Grievances and Complaints Policy and Procedure.*
- *Extension of Assessment Policy and Procedure*

4.4 Superseded Documents

- AIM QMS: June 2016: “Student Appeals/Grievances and Complaints”
- *Assessment Appeals Policy and Procedure*

5. Definitions and Acronyms

TERM/ACRONYM	DEFINITION
AIM referred to as the ‘Institute’	The Australian Institute of Music Limited ABN: 89 003 261 112; PRV: 12050; CRICOS 00665C.
Academic	Learning, teaching, assessment and research related matters including (but not limited to) eligibility for entry to a program of study, course design and delivery, student participation and attainment, attrition, retention, progression, completion, grade distribution, curriculum content and awards in a course of study.
Appeal	Refers to appeals (with grounds) against decisions relating to decisions made as a result of the conclusion of formal processes in relation to AIM’s policies and Procedures; this may cover, for example, course assessment processes (assessment and examinations), student progress (academic progression, suspension or exclusion), enrolment (return to study), or academic integrity and misconduct (cheating, plagiarism, breaching copyright).
Academic Conduct	All issues directly relating to a student’s academic progress (see <i>Academic Progression and Intervention Policy and Procedure</i>) as a consequence of learning outcomes in their enrolled units of study and assessment requirements.
Assessment	The process of collecting evidence and making judgements on whether learning outcomes have been achieved, to confirm that an individual can perform to the standard or level of achievement required within a subject.

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Complaint	Refers to a declared dispute, formal accusation or documented expression of dissatisfaction with a decision, action, process or omission, which the complainant considers likely to be unjust, wrongful or discriminatory, to which within the control of the Institute and for which the Institute is asked to officially respond
Complainant	Person making a complaint.
Discrimination	A discriminatory action is one which results in less favourable treatment of, or adverse action against, an individual or a group in comparison with another individual or group in the same or similar circumstances.
Duty of Care	Is an obligation under law for the Institute to take all reasonable precautions to safeguard individual and collective rights and academic prerogatives, giving priority to maintaining a professional and constructive learning and teaching environment for the majority of students and staff. Particular obligations and responsibilities apply to students under the age of 18 years. It should be noted that any abusive, disruptive, threatening or potentially threatening dispute, grievance or complaint that is of a serious nature (such as coercive, intimidating, aggressive, violent or unlawful behaviour) the Institute will take formal action to intercede and temporarily exclude the perpetrator in order to protect the interests of others in its care.
Grievance	Informal raising of an issue or expression of concern that questions an assumption, directive, act or decision, which the grievant considers may be inaccurate, arbitrary, inappropriate, unfair or misleading and which is within the discretion of the Institute to reconsider and amend. A grievance can have a similar (if less formal or acute) meaning to that of a complaint, in this case regarding academic matters (refer to complaint above).
Grievant	The person making a grievance.
Harassment	Any action that is uninvited or unwelcome that interfered with an individual's right to work in a non-threatening environment.
Lecturer	The person teaching a particular unit of study.
Natural Justice	Right to a fair hearing (prior notice of hearing, opportunity to be heard, conduct of the hearing, right to independent external advisor, the decision and reasons for it)
Prospective Student	Any person seeking to enrol in the Institute.
Respondent	The person or entity against whom a grievance is brought.
Senior Member of Staff	<ul style="list-style-type: none"> • Executive Dean Academic Affairs • Heads of Learning and Teaching • Associate Head of Learning and Teaching • Head of Department.
Staff	Any person currently employed by the Institute.
Student	Any person currently enrolled by the Institute, noting that appeals, grievances or complaints from former students must be made within 30 working days of their leaving the Institute.

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6. Revision History

Version	Date Approved by Leadership Group	Date Approval Academic Board	Date Approved by Board of Directors	Amendment Details
1.0		12/09/2019	26/09/2019	New Policy created to replace the Assessment Appeals Policy and Procedure
1.1	N/A	N/A	N/A	Updated to new format Addition of Flowchart
1.2	N/A	N/A	N/A	Minor template changes Removal of Program Leader and replaced with Associate Head of Learning & Teaching

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7. Flowchart – Showing Process and Decision Points

