

PURPOSE

To outline the process for appeals.

SCOPE

- Start Point** A student wishes to appeal an Institute decision.
- Finish Point** Appeals decision reached - process finalised.
- Teams Involved** Appeals Committee, Teaching Staff, Student, International Unit

OBJECTIVES

Customer Group	Objectives (for each Customer Group)
Students of Brisbane North Institute of TAFE	To outline the process to undertake for appeals.

DEFINITION

- ESOS Act** [Education Services for Overseas Students Act 2000](#)
- Overseas Student** A person (whether within or outside Australia) who holds a student visa as defined by the ESOS Act.

DOCUMENTATION AND REFERENCES

- IP59** [International Student Deferral, Suspension or Cancelling of Enrolment Policy.](#)
- IP43** [International Student Satisfactory Progress Policy](#)
- IP58** [International Students Transfer Policy](#)
- IP35** [Student Misconduct Management Policy](#)

COMPLIANCE REFERENCE

Australian Quality Training Framework:
 Standard 2 – The RTO adheres to principles of access and equity and maximises outcomes for its clients
 Element 2.6 – Complaints and appeals are addressed efficiently and effectively
 National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 – Standard 8 Complaints and Appeals

PROCESS

General Information

- The student has the opportunity to formally present his or her case at minimal or no cost to the student.
- The student will be given a written statement of the outcome, including details of the reasons for the outcome.
- The appeals process will commence within 10 working days of the formal lodgement of the complaint or appeal and supporting information.
- The decision of the Appeals Committee is final. If an overseas student is not satisfied with the final result of the internal appeals process, the student has the right to pursue external independent appeal processes.
- At the beginning of each academic year the membership of the Appeals committee will be reviewed however this committee will convene on a "needs only" basis.

Appeals Committee will comprise:

- Director Education and Training - (Chairperson)
- Academic Manager
- *For Academic Appeals*
A leading vocational teacher (LVT) from a vocational area other than the area from which the appeal has originated.
- *For an appeal by an International student regarding a refund or release*
An external representative with International student compliance/legislative knowledge e.g. a representative from Queensland Vet Export Office.
- In addition the appellant may nominate to the Director or Delegated Officer an independent external content expert from the field of study in which the student is enrolled

NOTE:

To ensure the Appeals Committee is independent and unbiased anyone who has been involved in the decision which is subject to appeal **can not** be a member of the Appeals committee ie if a Faculty Director made the decision they may not be part of the Appeals committee but must provide all documentation to support the decision to the Appeals Committee to assist with their deliberations.

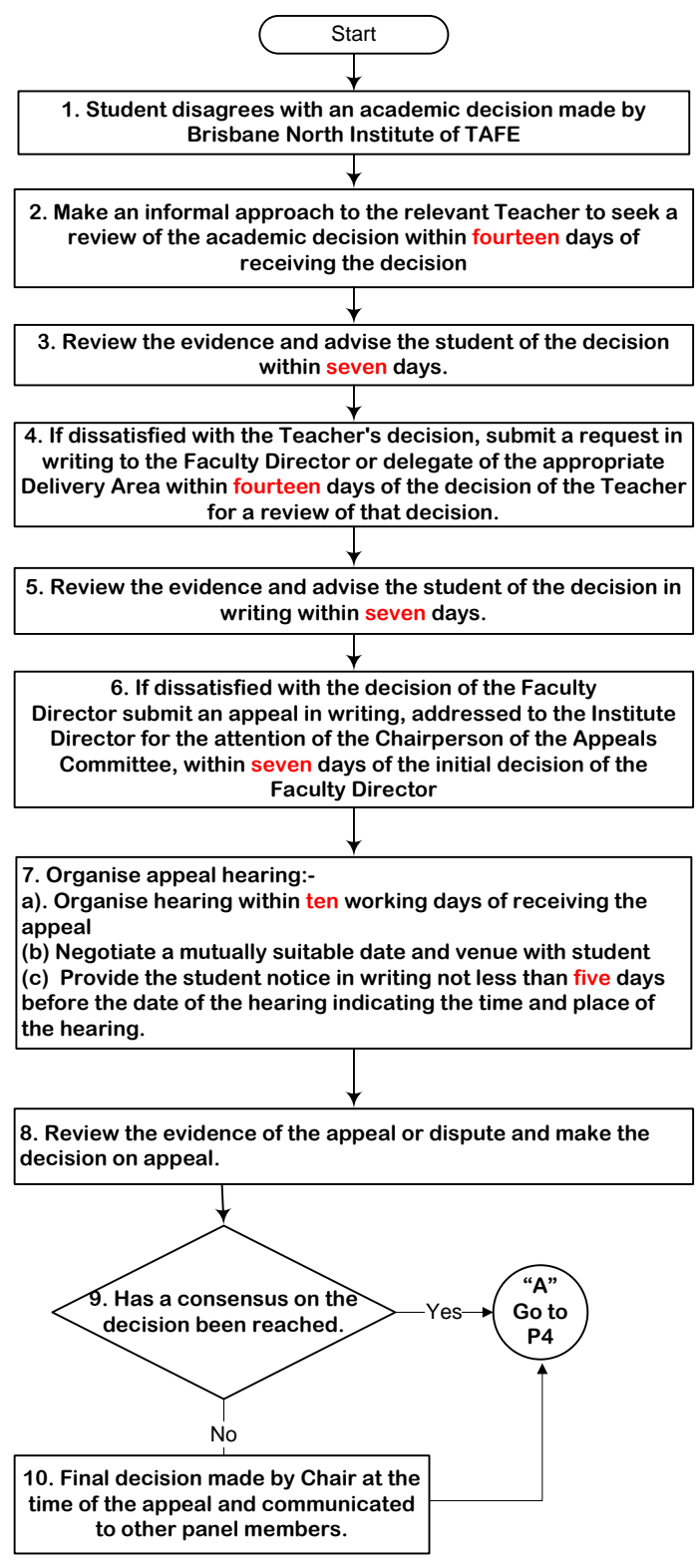
For ease of access this process has been divided into different appeal types. Click on the link below to access the appropriate appeal process

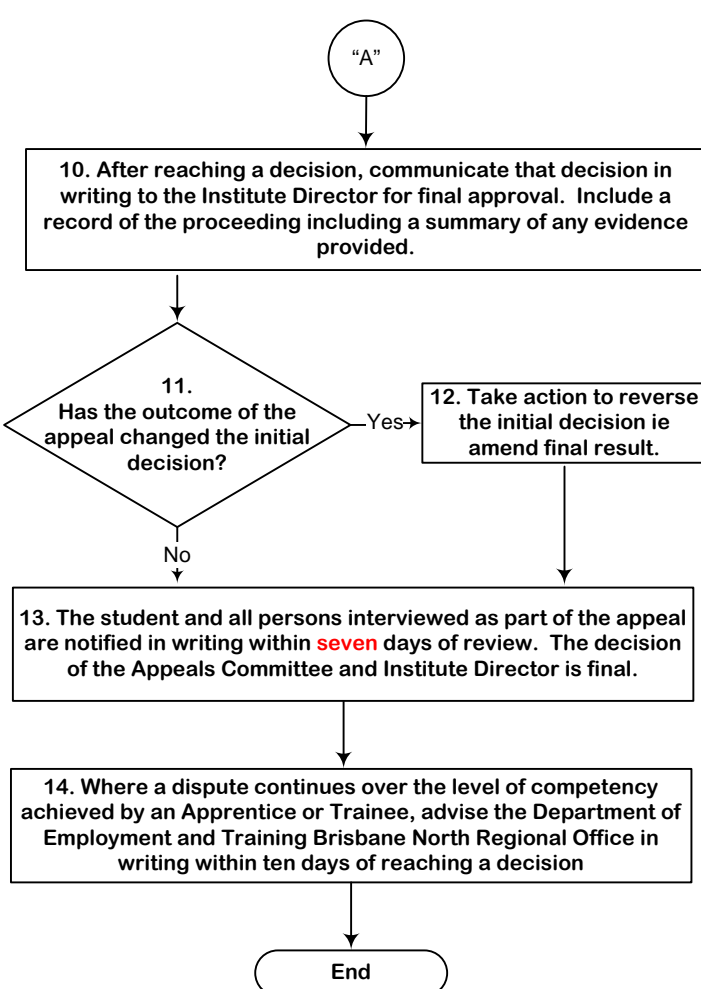
[Academic Appeals against a final grade made by Brisbane North Institute of TAFE Queensland](#)

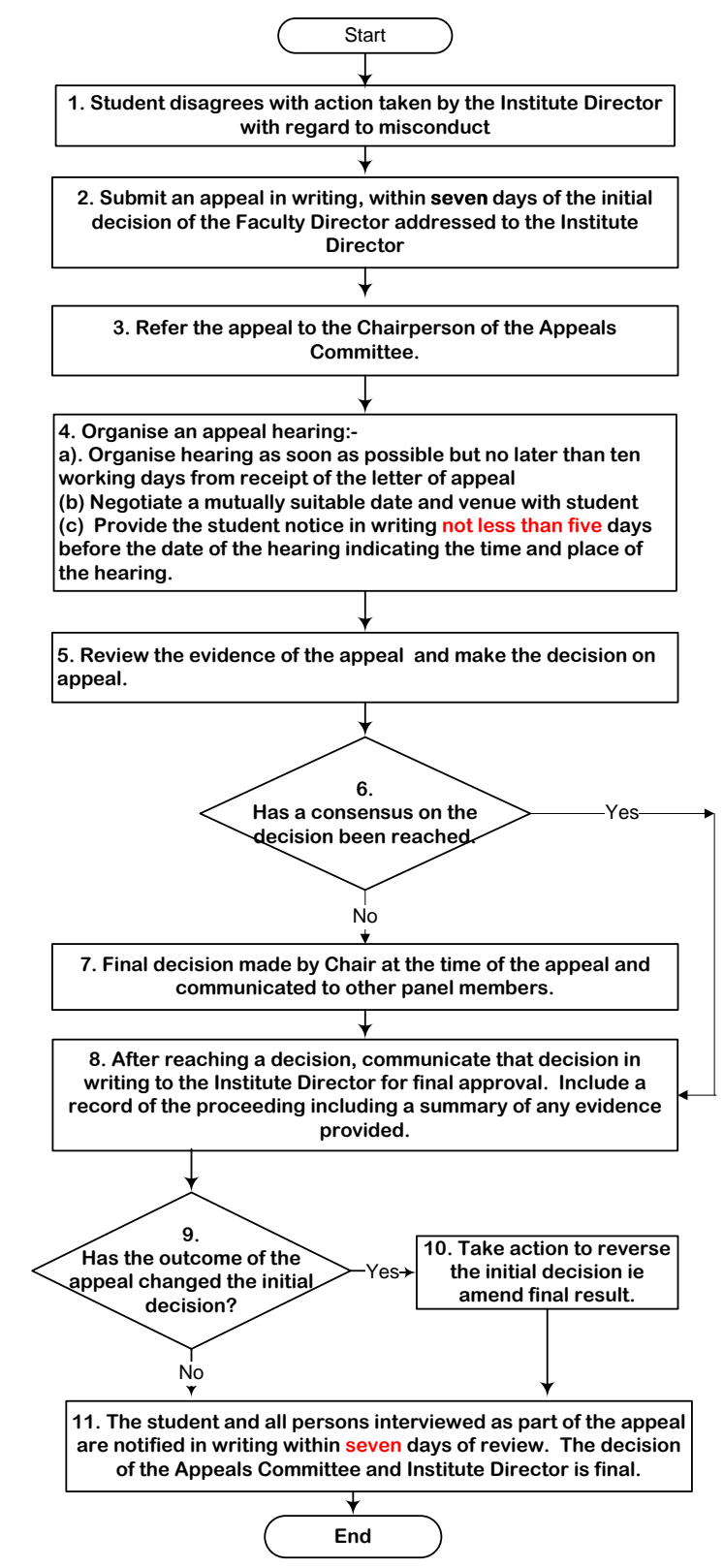
[Appeal against action taken by the Institute Director with regard to misconduct](#)

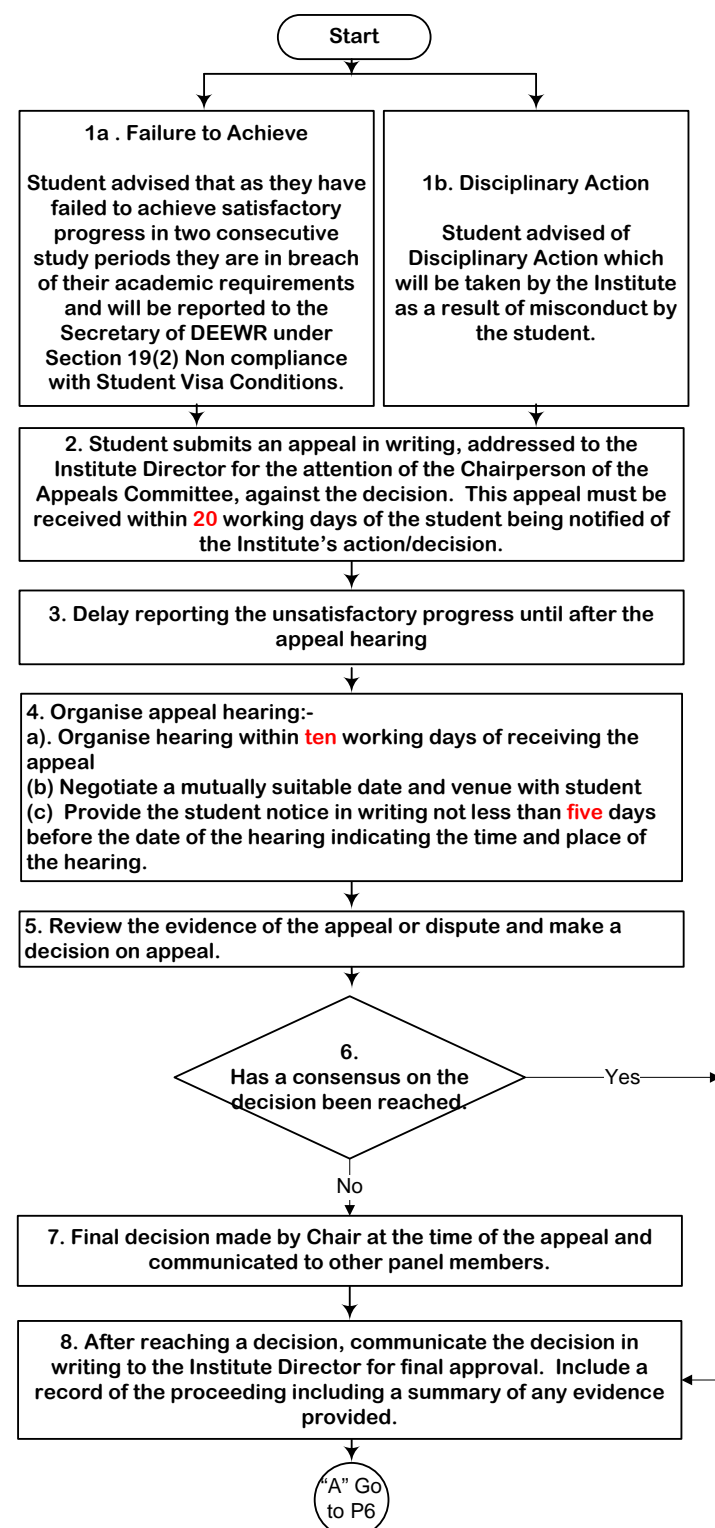
[Appeal by an International Student in breach of their academic requirements or as a result of disciplinary action taken by the Institute](#)

[Appeal by an International Student who has been refused either a refund or a release from study at Brisbane North Institute of TAFE.](#)

Responsibilities	Action Steps	Qualifying Remarks
	Academic Appeals	
	<i>A Result must have been issued before an Appeal can be submitted. An expected result is not sufficient grounds for an appeal.</i>	
	 <pre> graph TD Start([Start]) --> S1[1. Student disagrees with an academic decision made by Brisbane North Institute of TAFE] S1 --> S2[2. Make an informal approach to the relevant Teacher to seek a review of the academic decision within fourteen days of receiving the decision] S2 --> S3[3. Review the evidence and advise the student of the decision within seven days.] S3 --> S4[4. If dissatisfied with the Teacher's decision, submit a request in writing to the Faculty Director or delegate of the appropriate Delivery Area within fourteen days of the decision of the Teacher for a review of that decision.] S4 --> S5[5. Review the evidence and advise the student of the decision in writing within seven days.] S5 --> S6[6. If dissatisfied with the decision of the Faculty Director submit an appeal in writing, addressed to the Institute Director for the attention of the Chairperson of the Appeals Committee, within seven days of the initial decision of the Faculty Director] S6 --> S7[7. Organise appeal hearing:- a) Organise hearing within ten working days of receiving the appeal b) Negotiate a mutually suitable date and venue with student c) Provide the student notice in writing not less than five days before the date of the hearing indicating the time and place of the hearing.] S7 --> S8[8. Review the evidence of the appeal or dispute and make the decision on appeal.] S8 --> D9{9. Has a consensus on the decision been reached.} D9 -- Yes --> P4((A Go to P4)) D9 -- No --> S10[10. Final decision made by Chair at the time of the appeal and communicated to other panel members.] S10 --> P4 </pre>	
1. Student		
3. Teacher/ Assessor		
4. Student		
5. Faculty Director of the relevant Delivery Unit		
6. Student		6. All appeals must be registered through the Institute Directorate to ensure timeframes are monitored in accordance with this procedure
7. Appeals Committee Chairperson		7. The student has the right to present his or her case at minimal or no cost.
8. Appeals Committee		7a Advise the student that: 1) They are able to provide additional evidence or clarification of earlier provided evidence at the hearing ie they can tell their side of the story. 2) They may bring a support person to the hearing with them

Responsibilities	Action Steps	Qualifying Remarks
<p>10. Appeals Committee Chairperson</p> <p>11. Appeals Committee Chairperson</p> <p>12. Appeals Committee Chairperson</p>	 <pre> graph TD A((A)) --> B[10. After reaching a decision, communicate that decision in writing to the Institute Director for final approval. Include a record of the proceeding including a summary of any evidence provided.] B --> C{11. Has the outcome of the appeal changed the initial decision?} C -- Yes --> D[12. Take action to reverse the initial decision ie amend final result.] C -- No --> E[13. The student and all persons interviewed as part of the appeal are notified in writing within seven days of review. The decision of the Appeals Committee and Institute Director is final.] D --> F[14. Where a dispute continues over the level of competency achieved by an Apprentice or Trainee, advise the Department of Employment and Training Brisbane North Regional Office in writing within ten days of reaching a decision] E --> F F --> G([End]) </pre>	<p>10 The recommendation of the Appeals Committee and the final decision of the Institute Director is final 'Judicial Review Act 1991'. However If the appellatant is an overseas student (see definition Page 1) the written notification of the final decision must state that if the student is not satisfied with the final decision they have the right to access an external independent appeal process.</p> <p>13. People interviewed may include content experts and delivery staff.</p>

Responsibilities	Action Steps	Qualifying Remarks
Misconduct Appeal		
	 <pre> graph TD Start([Start]) --> Step1[1. Student disagrees with action taken by the Institute Director with regard to misconduct] Step1 --> Step2[2. Submit an appeal in writing, within seven days of the initial decision of the Faculty Director addressed to the Institute Director] Step2 --> Step3[3. Refer the appeal to the Chairperson of the Appeals Committee.] Step3 --> Step4[4. Organise an appeal hearing:- a. Organise hearing as soon as possible but no later than ten working days from receipt of the letter of appeal b. Negotiate a mutually suitable date and venue with student c. Provide the student notice in writing not less than five days before the date of the hearing indicating the time and place of the hearing.] Step4 --> Step5[5. Review the evidence of the appeal and make the decision on appeal.] Step5 --> Decision6{6. Has a consensus on the decision been reached.} Decision6 -- No --> Step7[7. Final decision made by Chair at the time of the appeal and communicated to other panel members.] Decision6 -- Yes --> Step8[8. After reaching a decision, communicate that decision in writing to the Institute Director for final approval. Include a record of the proceeding including a summary of any evidence provided.] Step7 --> Step8 Step8 --> Decision9{9. Has the outcome of the appeal changed the initial decision?} Decision9 -- No --> Step11[11. The student and all persons interviewed as part of the appeal are notified in writing within seven days of review. The decision of the Appeals Committee and Institute Director is final.] Decision9 -- Yes --> Step10[10. Take action to reverse the initial decision ie amend final result.] Step10 --> Step11 Step11 --> End([End]) </pre>	
2. Student		2. All appeals must be registered through the Institute Directorate to ensure timeframes are monitored in accordance with this procedure
3. Institute Director		4. The student has the right to present his or her case at minimal or no cost.
4. Appeals Committee Chairperson		4a Advise the student that: 1) They are able to provide additional evidence or clarification of earlier provided evidence at the hearing ie they can tell their side of the story. 2) They may bring a support person to the hearing with them
5. Appeals Committee		
6. Appeals Committee		
11. Institute Director		11 The recommendation of the Appeals Committee and the final decision of the Institute Director is final 'Judicial Review Act 1991'. However If the appellant is an overseas student (see definition Page 1) the written notification of the final decision must state that if the student is not satisfied with the final decision they have the right to access an external independent appeal process.

Responsibilities	Action Steps	Qualifying Remarks
	<p>Appeal by an International Student in breach of their academic requirements or as a result of disciplinary action taken by the Institute.</p>  <pre> graph TD Start([Start]) --> 1a[1a. Failure to Achieve Student advised that as they have failed to achieve satisfactory progress in two consecutive study periods they are in breach of their academic requirements and will be reported to the Secretary of DEEWR under Section 19(2) Non compliance with Student Visa Conditions.] Start --> 1b[1b. Disciplinary Action Student advised of Disciplinary Action which will be taken by the Institute as a result of misconduct by the student.] 1a --> 2[2. Student submits an appeal in writing, addressed to the Institute Director for the attention of the Chairperson of the Appeals Committee, against the decision. This appeal must be received within 20 working days of the student being notified of the Institute's action/decision.] 1b --> 2 2 --> 3[3. Delay reporting the unsatisfactory progress until after the appeal hearing] 3 --> 4[4. Organise appeal hearing:- a. Organise hearing within ten working days of receiving the appeal b. Negotiate a mutually suitable date and venue with student c. Provide the student notice in writing not less than five days before the date of the hearing indicating the time and place of the hearing.] 4 --> 5[5. Review the evidence of the appeal or dispute and make a decision on appeal.] 5 --> 6{6. Has a consensus on the decision been reached.} 6 -- Yes --> 8[8. After reaching a decision, communicate the decision in writing to the Institute Director for final approval. Include a record of the proceeding including a summary of any evidence provided.] 6 -- No --> 7[7. Final decision made by Chair at the time of the appeal and communicated to other panel members.] 7 --> 8 8 --> End((A' Go to P6)) </pre>	<p>1a. As per IP43 International Student Satisfactory Progress Policy a student who has failed to achieve satisfactory achievement in at 50% of competencies in a second consecutive term/semester following an intervention plan will receive a letter of intention to report student to DIAC for unsatisfactory course progress.</p> <p>2. All appeals must be registered through the Institute Directorate to ensure timeframes are monitored in accordance with this procedure</p>
3. International Unit	3. Delay reporting the unsatisfactory progress until after the appeal hearing	
4. Appeals Committee Chairperson	4. Organise appeal hearing:- a. Organise hearing within ten working days of receiving the appeal b. Negotiate a mutually suitable date and venue with student c. Provide the student notice in writing not less than five days before the date of the hearing indicating the time and place of the hearing.	
5. Appeals Committee	5. Review the evidence of the appeal or dispute and make a decision on appeal.	
6. Appeals Committee Chairperson	6. Has a consensus on the decision been reached.	
8. International Unit	7. Final decision made by Chair at the time of the appeal and communicated to other panel members.	
9. International Unit	8. After reaching a decision, communicate the decision in writing to the Institute Director for final approval. Include a record of the proceeding including a summary of any evidence provided.	
10. Appeals Committee Chairperson	8. After reaching a decision, communicate the decision in writing to the Institute Director for final approval. Include a record of the proceeding including a summary of any evidence provided.	

DOCUMENT AUTHORISATION

Owned by	(signature)
Position Title	Academic Manager
Endorsed by	(signature)
Position Title	Manager International Business
Endorsed by	
Position Title	Director Client Relations
Authorised by	(signature)
Position Title	Director, Education & Training