

VET FEE-HELP ACADEMIC GRIEVANCE AND APPEALS

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1 PURPOSE

This policy and procedure outlines entitlements and process for eligible persons and students regarding grievances and appeals who would be entitled to VET FEE-HELP assistance under the *Higher Education Support Act 2003* (the Act).

2 SCOPE

This document applies to both Vocational Education and Training (VET) students and persons seeking to enrol with CQUniversity that are, or would be, entitled to VET FEE-HELP assistance under Clause 43 of Schedule 1A of the Act. This policy and procedure applies to CQUniversity's operations including academic misconduct, enrolment determinations, student progress, assessment, awards and learning materials, and includes complaints in relation to the student's academic records.

For any clarification on how this policy and procedure applies, refer to the Administrator (in the Approval and Review table below).

3 EFFECTIVE DATE 5 July 2016

4 LEGISLATIVE AUTHORITY

[Higher Education Support Act 2003 \(Cwlth\) – Schedule 1A](#)
[Central Queensland University Act 1998 \(Qld\)](#)

5 POLICY STATEMENT

- 5.1 Persons and students entitled to VET FEE-HELP assistance under Schedule 1A, Part 2, Subdivision 4D, Clause 19 of the *Higher Education Support Act 2003* and VET Guidelines 2015 (Chapter 5.3) may lodge grievances and appeals. The purpose of an internal appeals process is to have unfavourable decisions heard and/or reconsidered by relevant staff.
- 5.2 The grievance and appeals process is at no cost to the complainant, and is applicable regardless of the location of the CQUniversity campus at which the grievance or appeal has arisen, the complainant's place of residence, or the mode in which they study.
- 5.3 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 appeals process is to enable the complainant to have an independent body available to handle their individual grievance appeals independently of CQUniversity and review the fairness of the decisions made.

General Information

- 5.4 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.
- 5.5 VET FEE-HELP academic grievances and appeals are to be submitted using the VET FEE-HELP Academic Grievance and Appeal Form.
- 5.6 Complaints about staff undertaking CQUniversity operations are processed in accordance with CQUniversity's Student Feedback – Compliments and Complaints Policy and Procedure.

- 5.7 Complaints may provide feedback on products and services offered by CQUniversity in accordance with the Student Feedback – Compliments and Complaints Policy and Procedure.
- 5.8 Appeals regarding academic misconduct matters are processed in accordance with the [Student Rules Policy \(TAFE\)](#).
- 5.9 CQUniversity will give due consideration to any recommendation made as a result of the external review and implement agreed recommendations.
- 5.10 The VET FEE-HELP grievance and appeals requirements will be maintained in accordance with the VET Guidelines.

Appeals Information

- 5.11 A complainant has the opportunity to formally present their case at no cost.
- 5.12 A complainant will not be victimised or discriminated against at any stage of the process outlined in this policy and procedure.
- 5.13 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 Discipline Manager. If the appeal is not lodged within the specified timeframe, the decision will stand.
- 5.14 The appeals process will be finalised and communicated to the complainant within 20 business days of the formal lodgement of the VET FEE-HELP Academic Grievance and Appeal Form and relevant supporting documentation.
- 5.15 The complainant and/or respondent has the right to be accompanied and assisted by a support person in every relevant meeting they attend.
- 5.16 The complainant and/or respondent will be provided with a written statement of the outcome of the internal appeals process within five working days of the appeal hearing, including details of the reasons for the outcome, and any actions to be undertaken.
- 5.17 A complainant's enrolment will be maintained, and the complainant is required to attend all classes during an internal appeals process.
- 5.18 If a complainant is dissatisfied with the CQUniversity appeals process, they can contact the [Queensland Ombudsman](#).
- 5.19 The Ombudsman will only intervene where CQUniversity's appeals process was not conducted correctly or if CQUniversity did not make the appeals process available to the complainant.
- 5.20 Complainants who wish to exercise their right to have their case heard by an external body must notify the Discipline Manager within five business days of receiving written notification of the outcome of the internal appeals process.
- 5.21 Complainants are required to immediately advise CQUniversity of the outcome of the external appeals process.
- 5.22 Records of all grievances and appeals must be kept and be accessible to all interested parties for a period of five years. Such records will remain confidential. Parties to the complaint will be allowed supervised access to these records as per requirements in VET Guidelines.

Internal Appeals

- 5.23 Complainants have the right to appeal decisions which they consider to be unfavourable and/or unreasonable in relation to:
- academic misconduct
 - academic process
 - eligibility to receive an award

- learning materials and facilities
- assessment and grades.

- 5.24 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 Discipline Manager
- 5.25 This arrangement is free of charge. A decision will be made within 15 business days and communicated to the complainant in writing within five business days of the decision.
- 5.26 If this does not resolve the complaint, complainants may submit their appeal in writing by completing a VET FEE-HELP Academic Grievance and Appeal Form for consideration by a VET FEE-HELP academic appeals committee by CQUniversity. All documentation lodged must be original documents or certified copies, no photocopies or facsimiles will be accepted.
- 5.27 Complainants must outline the decision being appealed 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 ten business days of receiving notification of the original decision.
- 5.28 Academic Grievance and Appeal Forms can be lodged either:

By Mail:

Deputy Vice-Chancellor (Industry, Vocational Training and Access Education)
CQUniversity Australia
114 – 190 Canning Street
ROCKHAMPTON QLD 4700

In person at CQUniversity Student Services Centres:

Emerald: Capricorn Highway, Emerald
Gladstone City: Derby Street, Gladstone
Mackay City: 90–92 Sydney Street, Mackay
Rockhampton City: 114–190 Canning Street, Rockhampton

Outcome of Internal Appeals

- 5.29 The CQUniversity VET FEE-HELP Academic Appeals Committee will review the application within 15 business days of receipt of the appeal. The Committee will provide the complainant with a written statement including details of the reasons for the outcome, and any actions to be undertaken within five 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

- 5.30 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.
- 5.31 The purpose of an external appeals process is to consider whether CQUniversity has followed its policies and procedures. The purpose of an external appeals process is to review the decision made by CQUniversity to determine the fairness of the decision in line with CQUniversity's policies and procedures. CQUniversity 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 processes were followed, not whether the complainant has cheated.
- 5.32 Complainants may refer their appeal to the Queensland Ombudsman. 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 will also notify the University of the outcome of the external appeal.
- 5.33 Further information is available at www.ombudsman.qld.gov.au or by contacting the Queensland Ombudsman:

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

5.34 Appeals can be lodged with the Queensland Ombudsman's Office:

By Mail:

GPO Box 3314
Brisbane QLD 4001

In Person:

Level 18, 53 Albert Street
Brisbane QLD 4001

Outcome of External Appeals

5.35 If the Queensland Ombudsman makes recommendations in relation to a grievance or appeal they have reviewed, the Ombudsman will forward those recommendations to the Vice-Chancellor and President who will ensure that the recommendations are implemented within 30 days.

6 PROCEDURE

- 6.1 All grievance and appeals records will be treated as confidential.
- 6.2 This policy and procedure will be communicated to all relevant staff via the University's policy portal. The VET FEE-HELP Coordinator will provide full training to relevant staff in the application of this procedure.
- 6.3 Staff and complainants involved will not be victimised or discriminated against as a result of their grievance.
- 6.4 Staff and complainants have the opportunity to nominate a third party to accompany and assist them at any stage of this procedure, if so desired as per [Student Rules Policy \(TAFE\)](#).
- 6.5 Records of all grievances, their applications and outcomes will be stored for a period of five years (VET Guidelines 2015). All parties to the complaint will be allowed appropriate access to these records.
- 6.6 Distribution of all associated policies, procedures and forms to all staff, students and other interested parties will be via the University [policy portal](#) and Student Self Service.
- 6.7 The complainant will raise an informal complaint about an unfavourable and/or unreasonable decision within five business days of the decision being received. The complainant is to raise the informal complaint either verbally or in writing to the staff member/s involved (usually the teacher of that unit of study). However, if the complainant feels uncomfortable with discussing the matter with the person/s involved, or is dissatisfied with the resolution of their complaint with the initial staff member, they are to lodge a formal complaint with the relevant Discipline Manager within 10 business days of notification of the unsatisfactory outcome.
- 6.8 The staff member who receives the informal complaint will discuss the matter with the person/s involved within five business days of receiving the complaint. If the staff member is unable to discuss the matter with the person/s involved, they will refer the person/s involved to the Discipline Manager to lodge a formal complaint.
- 6.9 The Discipline Manager, upon receipt of the complaint, will review the complaint and make a decision as to the outcome. The decision is to be made within 20 business days of receiving the complaint and is to be issued to the complainant in writing and will include reasons and a full explanation for the decisions and actions taken. A copy of the decision is to be kept on the student's file.
- 6.10 If the complainant is unhappy with the resolution reached with the Discipline Manager, the complainant is to submit the appeal in writing to CQUniversity's VET FEE-HELP Academic Appeals Committee by completing VET FEE-HELP Academic Grievance and Appeal Form. The complainant must outline the decision and reasons for the grievance or appeal, including any compassionate or compelling circumstances and may provide documentary evidence in support of their appeal. All documentation must be original documents or JP Certified copies (no photocopies or facsimile are to be accepted), and lodged within twenty days of notification of the decision.
- 6.11 Within 10 business days of receiving the application form, the Committee will consider the grievance or appeal application through a hearing which the complainant and/or respondent and representatives may attend. The Committee will review the case and provide a written statement, within five business days of the hearing, to both the complainant and/or respondent. The written statement will include reasons for the outcome, a full explanation of the outcome and any actions to be undertaken by either party.

- 6.12 If the complainant is not satisfied with the outcome of the CQUniversity VET FEE-HELP Academic Appeals Committee, they are then able to take their case to an external independent body. Complainants may refer their appeal to the [Queensland Ombudsman](#). The complainant must notify the Discipline Manager within five business days of receiving their outcome notice if they intend to refer the matter to the Ombudsman.
- 6.13 Upon receipt of the case, the Queensland Ombudsman will investigate the case and make an assessment. The Queensland Ombudsman will investigate where CQUniversity has followed relevant policies and procedures, and whether these have been fair. The Queensland Ombudsman will advise the complainant and the University of the outcome of the external appeal and include reasons and a full explanation for the decisions and actions taken.
- 6.14 The University will provide the Queensland Ombudsman with any further information required in relation to the complaint. Once the outcome from the Ombudsman's Office is received, the Vice-Chancellor and President will ensure that any recommendations are implemented within 30 days.

7 RESPONSIBILITIES

Compliance, Monitoring and Review

- 7.1 The Administrator is responsible for ensuring compliance with and monitoring implementation of the procedure and to undertake reviews as required.

Reporting

- 7.2 There are no additional reporting requirements.

Records Management

- 7.3 CQUniversity will store records of all grievances, their applications and outcomes for a period of five years as per the VET Guidelines.
- 7.4 All records relevant to this document are to be maintained in a recognised University recordkeeping system.

8 DEFINITIONS

NOTE: These definitions are specific to this procedure and to CQUniversity operations.

Academic Misconduct: academic misconduct includes but is not limited to cheating, including supporting others in cheating, plagiarism, electronic plagiarism, unauthorised collusion and falsifying information.

Appeal: request by a complainant to have a matter heard and/or re-considered after receiving and unfavourable decision.

VET FEE-HELP Academic Appeals Committee: a committee formed to hear VET FEE-HELP academic appeals in relation to CQUniversity operations. The committee will comprise Chair (Manager Product Quality), relevant Faculty Manager, plus an industry representative may be included at the Chair's discretion.

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 (i.e. car accident; witnessing a crime or being involved in a crime)

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 CQUniversity.

External Appeal: appeal heard by a part external to CQUniversity.

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 CQUniversity.

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.

VET FEE-HELP: the Commonwealth Government loan scheme to assist eligible students 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).

9 RELATED LEGISLATION AND DOCUMENTS

Related Policy Document Suite

[VET FEE-HELP Academic Grievance and Appeal Form](#)

Related Legislation and Supporting Documents

[Higher Education Support Act 2003 \(Cwlth\) – Schedule 1A](#)
[Standards for NVR Registered Training Organisations 2011 – Part 2, SNR 16](#)
[VET Guidelines 2015](#)

Approval and Review	Details
Approval Authority	Vice-Chancellor and President
Advisory Committee to Approval Authority	Vice-Chancellor's Advisory Committee
Administrator	Director, Governance
Next Review Date	24/06/2019

Approval and Amendment History	Details
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