



1 Objective

To outline the circumstances and steps to be taken when a student wishes to appeal a decision given on academic and/or disciplinary matters in relation to academic judgement or misconduct.

This policy and procedure applies to all students enrolled with the Central Regional TAFE (the College) for the delivery of education, training and assessment services.

This policy does not relate to complaints received in regards to any non-academic aspect of the provision of products or services by the College (refer to Policy and Procedure for Client Complaints [CF010P](#)).

2 Policy

2.1 Appeals Categories

Students have the right to appeal a decision in relation to:

Academic judgement which may include but is not limited to:

- education and training delivery, curriculum
- assessments
- student progress
- issuing of results and awards

Misconduct which may include but is not limited to:

- academic circumstances
- Central Regional TAFE By-Laws (No. 2) 2016

2.2 Access to the College's Appeals Policy

2.2.1 Students are to be informed of their right to appeal a decision on the above matters.

2.2.2 This policy and procedure will be made available to students through publication on the College's website (<http://www.centralregionaltafe.wa.edu.au/>) and at the time of enrolment.

2.2.3 Where clients have special needs every reasonable effort will be made to provide assistance, if requested, and to make the appeals lodgement procedure as flexible as possible.

2.3 Principles of natural justice and procedural fairness

2.3.1 At all stages of the process, the appellant and/or respondent have the right to be represented by a third person (such as a family member, friend, counsellor or other professional support person).

2.3.2 The appellant is to be informed of their right to be able to apply to an external agent if they are not satisfied with the outcome of the formal appeal.

2.3.3 The College agrees to be bound by any recommendations arising from the review of the external agent. The Director Training Services will ensure that any recommendations made are implemented within 30 days of receipt of the report from the external agent.

2.3.4 The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other policies or under statute or any other law.

2.3.5 Nothing in this policy and procedure limits the rights of students to take action under Australia's Consumer Protection laws.

2.3.6 These procedures do not circumscribe a student's right to pursue other legal remedies.

2.4 Appeals are addressed in a timely manner

2.4.1 In the interest of providing the most effective and timely address of client's appeal, appeals will be dealt with as close to the source as possible and involve the people most directly concerned.

2.4.2 (1) The College will respond to appeals in a timely manner and ensure the appellant is kept informed of progress in the resolution of the appeal and of any undue delay.

(2) Where the College considers more than 60 calendar days is required to process and finalise the complaint, the College will:

(a) inform the appellant in writing, including the reasons why more than 60 calendar days is required; and

(b) regularly update the appellant on the progress of the matter

2.5 Responsibility for application of this Policy

2.5.1 Academic and non-academic Managers are responsible for the training of staff in the application of this policy and implementation and adherence of the policy.

2.6 Data collection and recordkeeping

2.6.1 The College will collect data and maintain records of appeals received and their outcomes. These will be analysed by the VET Policy and Leadership Committee and Corporate Executive twice yearly to identify systemic issues that can be addressed through continuous improvement.

2.6.2 All documentation relating to client appeals will be forwarded to Planning and Quality to be recorded and registered on the College's electronic records management system.

2.6.3 Records of all appeals, decisions and outcomes of the appeal process are kept in accordance with the College's Policy and Procedure for the Retention and Disposal of Records and as per the Training Accreditation Council guidelines.

3 Procedures

3.1 Informal Appeal

Academic Judgement:

If a student wishes to appeal an academic decision they should, in the first instance, raise the issue with their Lecturer/Assessor.

If the appeal is not resolved during discussions with the Lecturer/Assessor the student should arrange a meeting with the relevant Portfolio Manager to discuss their appeal.

The Lecturer/Assessor retains notes and/or written communication of discussions with the student.

If the student is not satisfied with the outcome of this meeting they can lodge a *formal appeal* in writing stating the reasons for their appeal (see the *Appeals Criteria* in the Definitions section of this document).

3.2 Formal Appeal

Academic Judgement:

Students have a period of two (2) weeks from the date they receive their results to lodge an appeal against a decision given on academic matters

The Lecturer/Assessor provides the appellant with the *Letter of Student Appeal* or the student may source the letter from the College website.

The Student returns completed *Letter of Student Appeal* to:

Manager Planning and Quality
Locked Bag 103
GERALDTON WA 6531
Or via quality@crtafe.wa.edu.au

Planning and Quality records the appeal and sends a *Letter of Acknowledgement* to the appellant acknowledging receipt of their appeal and outlining the appeals process and timeframe.

Planning and Quality provides the relevant Director Training Services with the *Letter of Student Appeal*.

The Director Training Services convenes the Appeals Panel comprising:

- The Director Training Services (Panel Chair)
- A Principal Lecturer
- An industry/content expert who is independent of the original decision process

Members of the Panel will gather information from the lecturer(s), the appellant and other relevant parties. Both the appellant and the lecturer(s) will be given an opportunity to present their case to the Panel.

The Panel members will be guided by the Appeals Criteria when arriving at a decision.

Notes on the appeal investigation and resulting outcome will be recorded using the Student Appeals Criteria and Decision Form OM039F1. All panel members are to sign and date the form and provide to Planning and Quality for recording on the appeals register and on the College's electronic records management system.

Planning and Quality will send the appellant a Letter of Outcome of Appeal within twenty-one (21) days of the receipt of the formal appeal.

This letter will also advise the appellant of their right to be able to apply to an external agent within twenty-eight (28) days, for a review of the outcome, and will provide the contact details as follows:

If you feel the College has not resolved your appeal and wish to pursue this matter further, you may lodge an appeal with the Training Accreditation Council (TAC) within twenty-eight (28) days from this written notice. There are no fees associated with lodging an application with TAC:

*Office of the Training Accreditation Council
22 Hasler Road
Osborne Park, WA 6017
Phone: 08 9441 1910
Email: tac@des.wa.gov.au
Website: <http://www.tac.wa.gov.au>*

Where an appeal is upheld student records are amended and re-issued.

3.3 Appeal Relating to Misconduct

Academic circumstances or disciplinary consequences under By-law 20 of the Central Regional TAFE By-laws:

An enrolled student may appeal any decision made in reference to them under Central Regional TAFE By-law 20 within twenty-eight (28) days, after having been made aware of that decision.

The student is to provide written details of the appeal to:

The Student Appeal Committee
C/- Planning and Quality
Locked Bag 103
GERALDTON WA 6531
Or email quality@crtafe.wa.edu.au

The Student Appeal Committee shall comprise the following persons:

- an executive member of the college or senior member of staff who will be the chairperson
- a Governing Council member or representative industry member
- one enrolled student nominated by the student association or an independent community member.

Appeals under By-law 20 of the [Central Regional TAFE By-laws](#) will be conducted in accordance with Bylaw 20(6) – 20(11).

Planning and Quality will send the appellant a Letter of Outcome of Appeal within twenty-one (21) days of the receipt of the formal appeal.

This letter will also advise the appellant of their right to appeal or seek the judicial or administrative review of any decision made under this By-law 20 in any court or tribunal of appropriate jurisdiction.

4 Definitions

The College - refers to Central Regional TAFE, including all its campuses and delivery centres.

Informal Appeal - appeal is raised directly with the lecturer in the first instance and need not be in writing and it is anticipated that most appeals can be resolved at this level.

Formal Appeal - when the appeal is put in writing and addressed to the Manager Planning and Quality.

Academic Appeals Criteria

- The assessment did not meet the requirements of the relevant Training Package or Accredited Course and was not conducted in accordance with the Principles of Assessment (fairness, flexibility, validity and reliability) and the Rules of Evidence (validity, sufficiency, authenticity and currency).
- The client was not informed about the training, assessment, resources and support services to be provided, and about their rights and obligations.
- The client did not receive the amount of training, assessment and access to resources and support services that met their individual needs.

- The client did not have timely access to current and accurate records of their participation and progress.
- The trainers and assessors did not have the relevant training and assessment competency, vocational competency and industry currency as determined by the Standards for RTOs 2015.

Misconduct Appeals Criteria

- There was a failure to comply with procedural fairness.
- There is evidence relating to an allegation of misconduct that was not reasonably ascertainable at or prior to the decision, as the case may be, and that would probably have affected the decision or any penalty imposed.
- The decision and/or penalty were manifestly wrong, excessive or unfair.

5 References

Assessment Agreement

Assessment Policy and Procedure

[Central Regional TAFE By-laws](#)

Course Orientation Checklist (CF003F1)

Policy and Procedure for Responsibility to Learner (CF003P)

[Standards for RTOs 2015](#)

Student Enrolment Discussion Guide (CF003F3)

[Vocational Education and Training Act 1996](#)

6 Documentation

Students Appeals Criteria and Decision Form (OM039F1)

Letter of Student Appeal (OM039F2)

Letter of Acknowledgement (OM039F3)

Letter of Outcome of Appeal (OM039F4)

Letter of Outcome of Review (to be provided by the External Agent)

Student Appeals Procedure Flowchart (OM039C1)

7 Responsible Officer

Manager Planning and Quality