

# Assessment Appeals Procedure

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## 1.0 Purpose

This procedure describes the circumstances in which a student may appeal an decision that impacts them and the responsibilities and tasks of students and staff when undertaking an appeal against these decisions.

## 2.0 Scope

This procedure applies to all courses, or components of courses conducted by Bendigo Kangan Institute (BKI).

External assessment appeals will be governed by the relevant external authority.

## 3.0 Procedure Reference

Privacy Policy

Student Welfare and Accessibility Policy

Training and Assessment Policy

Assessment Appeals Policy

## 4.0 Procedural Steps

No.	Phases and steps	Name of role who actions
4.0	<p><b>Requesting an Appeal:</b></p> <p>A person can appeal a decision within 28 days where an appeal is applicable, and it meets the criteria for an appeal as per the Appeal Policy.</p>	The person who has had the decision made against them

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# Bendigo Kangan Institute

## PROCEDURE

No.	Phases and steps	Name of role who actions
<b>4.1</b>	<b>Internal appeal</b>	
<b>4.1.1</b>	<p><b>Referring requests for internal review:</b></p> <p>Requests for an appeal must be made to Governance, Risk and Compliance in writing</p>	
<b>4.1.2</b>	<p><b>Assessing requests for an appeal:</b></p> <p>Determines or delegates the determination of whether:</p> <ul style="list-style-type: none"> <li>The appeal should not proceed because the request does not fall under the provisions or grounds for an appeal</li> <li>An appeal is required.</li> </ul>	Head of Governance Risk and Compliance
<b>4.1.3</b>	<p><b>Allocating matters for appeal</b></p> <ul style="list-style-type: none"> <li>Where grounds for an appeal exist, they are allocated to an independent decision-maker who was not originally involved in the initial decision to which the appeal relates. This could be a different business unit or a different person within the same business unit that the appeal relates</li> <li>Where relevant, an appeal may be sent to the Appeals Committee for review. The Committee is Chaired by the Registrar. or delegate, who will co-opt suitably qualified staff to hear the matter.</li> </ul>	Head, Governance Risk and Compliance
<b>4.1.4</b>	<p><b>Conducting an appeal:</b></p> <p>The appeal reviewer considers whether the original decision:</p> <ul style="list-style-type: none"> <li>identified and addressed all relevant issues and obligations</li> <li>sought and considered appropriate information</li> <li>applied relevant obligations, policies and procedures</li> <li>made the correct decision</li> <li>adequately explained the decision to the person</li> <li>if new evidence is provided, considers this evidence</li> </ul> <p>At the end of the review, the Appeal Reviewer/s may recommend:</p> <ul style="list-style-type: none"> <li>to uphold the original decision</li> <li>to overturn the original decision and provide a plan of rectification</li> </ul>	Appeal Reviewer

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4.2	<b>External Reviews</b>																							
4.2.1	<p>The following organisations can receive complaints about the Institute:</p> <table border="1"> <thead> <tr> <th data-bbox="344 461 798 517">Organisation</th> <th data-bbox="798 461 1251 517">Details</th> </tr> </thead> <tbody> <tr> <td data-bbox="344 517 798 640"> <i>Institute decisions and actions, Human Rights</i>                      Victorian Ombudsman                 </td> <td data-bbox="798 517 1251 640">                     9613 6222  <a href="https://www.ombudsman.vic.gov.au/complaints/">https://www.ombudsman.vic.gov.au/complaints/</a> </td> </tr> <tr> <td data-bbox="344 640 798 786"> <i>Vocational Education &amp; Training Programs</i>                      Australia Skills &amp; Quality Authority (ASQA)                 </td> <td data-bbox="798 640 1251 786">                     1300 701 801  <a href="mailto:enquiries@asqa.gov.au">enquiries@asqa.gov.au</a> </td> </tr> <tr> <td data-bbox="344 786 798 880"> <i>Overseas students, VET Student Loans</i>                      Commonwealth Ombudsman                 </td> <td data-bbox="798 786 1251 880">                     1300 362 072  <a href="mailto:ombudsman@ombudsman.gov.au">ombudsman@ombudsman.gov.au</a> </td> </tr> <tr> <td data-bbox="344 880 798 1003"> <i>Consumer issues (marketing and sales)</i>                      Consumer Affairs Victoria                 </td> <td data-bbox="798 880 1251 1003">                     1300 55 81 81  <a href="https://www.consumer.vic.gov.au/contact-us">https://www.consumer.vic.gov.au/contact-us</a> </td> </tr> <tr> <td data-bbox="344 1003 798 1070">                     Victorian Department of Education &amp; Training                 </td> <td data-bbox="798 1003 1251 1070"> <a href="http://www.skills.vic.gov.au">www.skills.vic.gov.au</a> </td> </tr> <tr> <td data-bbox="344 1070 798 1261"> <i>Discrimination and equal opportunity</i>                      Australian Human Rights Commission                      Victorian Equal Opportunity and Human Rights Commission                 </td> <td data-bbox="798 1070 1251 1261">                     1300 369 711  <a href="https://humanrights.gov.au/complaints/make-complaint">https://humanrights.gov.au/complaints/make-complaint</a>                      1300 555 727  <a href="https://www.humanrights.vic.gov.au/get-help/contact-us/">https://www.humanrights.vic.gov.au/get-help/contact-us/</a> </td> </tr> <tr> <td data-bbox="344 1261 798 1339"> <i>Terms and conditions of employment</i>                      Fair Work Ombudsman                 </td> <td data-bbox="798 1261 1251 1339">                     13 13 94  <a href="https://www.fairwork.gov.au/contact-us">https://www.fairwork.gov.au/contact-us</a> </td> </tr> <tr> <td data-bbox="344 1339 798 1451"> <i>Privacy and Information</i>                      Office of the Victorian Information Commissioner                 </td> <td data-bbox="798 1339 1251 1451">                     1300 006 842  <a href="https://ovic.vic.gov.au/about-us/contact-us/">https://ovic.vic.gov.au/about-us/contact-us/</a> </td> </tr> <tr> <td data-bbox="344 1451 798 1552"> <i>Corruption</i>                      Independent Broad-based Anti-corruption Commission                 </td> <td data-bbox="798 1451 1251 1552">                     1300 735 135  <a href="https://www.ibac.vic.gov.au/">https://www.ibac.vic.gov.au/</a> </td> </tr> <tr> <td data-bbox="344 1552 798 1742"> <i>Democratic principles, Institute performance, information about academic achievements, minimum Child Safe Standards.</i>                      Victorian Registration and Qualifications Authority                 </td> <td data-bbox="798 1552 1251 1742">                     9637 2806  <a href="https://www.vrqa.vic.gov.au/Pages/contact.aspx">https://www.vrqa.vic.gov.au/Pages/contact.aspx</a> </td> </tr> </tbody> </table>	Organisation	Details	<i>Institute decisions and actions, Human Rights</i> Victorian Ombudsman	9613 6222 <a href="https://www.ombudsman.vic.gov.au/complaints/">https://www.ombudsman.vic.gov.au/complaints/</a>	<i>Vocational Education &amp; 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<b>4.3</b>	<b>Closure</b>	
<b>4.3.1</b>	<ul style="list-style-type: none"> <li>• Provide information about what the Institute did in response to the appeal and what the outcome was, including any recommended course of action, subject to confidentiality.</li> <li>• Provide reasons for decisions made as a result of considering the appeal.</li> <li>• Apologise where mistakes have been made and explain the steps that will be taken to remedy the mistakes.</li> <li>• Where the appeal is not upheld, advise the student of their external appeal options</li> <li>• Communicate outcome, in writing, to the student who submitted the appeal</li> <li>• Provide a written record a decision, reasons within 10 days of an outcome being determined.</li> </ul>	Allocated officer
<b>4.4.</b>	<b>Reporting and Monitoring</b>	
<b>4.4.1</b>	Governance Risk and Compliance generates a quarterly report, for the Executive team. This includes qualitative and quantitative insights on key themes and outcomes to inform opportunities for continuous improvement.	Head of Governance Risk and Compliance
<b>4.5.</b>	<b>Support Services</b>	
<b>4.5.1</b>	<p>Advice and assistance in relation to an appeal may be sought at any time from the following:</p> <ul style="list-style-type: none"> <li>• Governance Risk and Compliance</li> <li>• Child Safety Officer (under 18's); see specifically Child Wellbeing and Safety Act 2005 (Vic); Child Safe Standards 5 and 7.</li> <li>• Student Counsellor (NB: Counsellors cannot act as a third party, attend meetings, represent complainants or respondents).</li> <li>• Disability Liaison Officer.</li> <li>• BKI Teaching staff and or Lead Educators.</li> <li>• An external support person who is not a legal representative</li> </ul>	Allocated officer to consider the relevance of Support Services.

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### 6.0 Roles and Responsibilities

No.	Phases and steps	Name of role who actions
<b>4.5.</b>	<b>Support Services</b>	
<b>4.5.1</b>	<ul style="list-style-type: none"> <li>Review the appeal and determine to uphold the original decision or overturn the original decision</li> <li>Provide rectification advice, where relevant</li> <li>Communicate with the student on a regular basis as to progress</li> <li>Save relevant records and information on the appeals file.</li> </ul>	Allocated officer
<b>4.5.2</b>	<ul style="list-style-type: none"> <li>Make procedure available through publication in both the Student Handbook and on the Institute's websites: Bendigo TAFE Website: <a href="https://www.bendigotafe.edu.au/">https://www.bendigotafe.edu.au/</a> Kangan Institute Website: <a href="https://www.kangan.edu.au/">https://www.kangan.edu.au/</a></li> </ul>	Head of Brand and Acquisition
<b>4.5.3</b>	<p>In conjunction with their team:</p> <ul style="list-style-type: none"> <li>Assesses the grounds for appeal and determines validity.</li> <li>Allocates internal appeal reviews.</li> </ul>	Head of Governance Risk and Compliance
<b>4.5.4</b>	<ul style="list-style-type: none"> <li>Convenes Appeal Panel as required.</li> <li>Chairs Appeal Panel or delegates to a relevant staff member.</li> </ul>	Registrar

## Assessment Appeals Procedure

### 7.0 Definitions

Word / Term	Definition
<b>Student</b>	Means a BKI student or prospective student. It can also mean groups of students or prospective students.
<b>Support Person</b>	May be a friend, family member or student representative, but shall not include a legal practitioner. BKI staff cannot act as a support person for students.
<b>BT</b>	Bendigo TAFE
<b>KI</b>	Kangan Institute

### 8.0 Related Documents and Records Management

Documents used in this procedure

Title

Application for Formal Review

### 9.0 Version Control and Change History

Ver.	Issue Date	Document Custodian	Description of Change	Approval Authority
1.0	23 Aug 2017	-	New policy	Board of Studies
1.1	18 Feb 2021	-	Minor changes. Grammatical errors. Formatting	Manager, AG&Q
2.0	28 Mar 2022	Registrar	Updates to align with Feedback Policy.	Chief Governance and Quality Officer

### 10.0 Document Owner and Approval Body

Document Custodian	Approval Authority	Approval Date	Issue Date	Scheduled Review Date
Registrar	Chief Governance and Quality Officer	16 Feb 2022	28 Mar 2022	28 Mar 2024

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