

Assessment Appeals Policy

1.0 Purpose

The purpose of this policy is to support both students and Bendigo Kangan Institute (BKI) staff and any third parties providing services on BKI's behalf including trainers and assessors, in relation to the appeal, review and reconsideration of assessment result decisions.

BKI ensures procedural fairness and the principles of natural justice throughout the appeal process by providing students with comprehensive information about the BKI Appeals process at student orientation sessions and at the beginning of course delivery. Information about the Appeals Process is also made available to students and BKI staff via the Student Handbook and the BKI website.

Scope

This policy applies to all students at BKI, including overseas students, all trainers and assessors involved in student assessment, and all BKI personnel involved in the assessment appeals process.

This policy applies to all appeals of assessment results by students, for all courses and components of courses that include assessment conducted by BKI.

It applies to the appeals of internal assessments, special consideration, and Recognition of Prior learning/Recognition of Current Competence (RPL/RCC).

This policy does not encompass appeals to disciplinary penalties and/or actions taken by BKI whereby a student had been found in breach of the Student Code of Behaviour Policy.

Nor does it apply to appeals of matters of academic misconduct.

2.0 References

Standards for Registered Training Organisations (RTOs) 2015

VET Funding Contract

ESOS Act 2000

ESOS National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007

Education and Training Reform Act 2006

Education and Training Reform Regulations 2007

Competition and Consumer Act 2010 (Schedule 2 – in particular)

Privacy Act 1988 (Cth)

Student Complaints and Grievance Policy

Training and Assessment Policy

Data Provision Requirements Policy

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3.0 Policy Statement

BKI is committed to the principles of natural justice and procedural fairness upon the appeal of an assessment result by a student. All students have the right to request re-assessment of their results or requests for RPL/RCC and special consideration, in the following manner; by requesting;

- informal review,
- a formal review,
- an appeal against a refusal to grant formal review.

BKI's appeals policy is made publically available on its website.

Any person or committee handling a review or appeal will deal with the matter as expeditiously as possible, consistent with the need to act fairly and keeping in mind possible detriment to the student if a decision is not made within specified timeframes.

Requests for review of an assessment are acknowledged in writing by BKI, irrespective of whether the request is made for an informal or formal review.

BKI will take all reasonable steps to prevent students suffering from any disadvantage (including through victimisation) as a result of lodging an application for appeal or review of a BKI assessment decision.

A copy of all documentation relating to any of the assessment appeals processes is to be placed in the student file in order to maintain secure records of all appeals and their outcomes.

This policy upholds the right of a student to take action under Australia's consumer protection laws.

3.1 Students

Students are to be informed of their right to appeal an assessment result by the teacher or course coordinator.

Students are responsible for submitting the initial appeal, and for all secondary requests to appeal subsequent decisions made throughout the process. Additional requests of appeal are to be made within the allowed time period.

A student may seek the help from the BKI counselling service, or have a support person present at any time during the appeals process. This person is not a legal representative.

A student may withdraw their application at any time during the process through a written statement.

Any appeal request must be done so in accordance with the students' obligation to the standards of equity and respect outlined in the Code of Student Behaviour Policy.

3.2 Informal review

An informal review is addressed internally. An informal review may be as simple as a student querying their assessment result with their teacher and requesting feedback. In keeping with the informal process, further informal requests may incorporate the lead educator or course co-ordinator also reviewing the relevant assessment and providing their view of the assessment outcome. An informal review does not have to be made in writing and should be made within 5 days of receiving an assessment outcome. The outcome of the informal review should be given to the student in writing within 5 days of the request being made.

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Students are informed of their right to request a formal re-assessment if they are not satisfied with the results of the informal review. The formal request must be completed within 5 working days of the outcome of the informal review.

3.3 Formal review

A Formal review of an assessment must be requested in writing by the student seeking the review.

Formal review requests are decided following an investigation by the Executive Officer – Board of Studies, who is responsible for determining whether the student has grounds for a formal review.

Examples include:

- BKI did not adequately consider the student's circumstances or used incorrect procedures;
- A breach of the rules of natural justice occurred in connection with the making of the decision.
- Personal bias or bad faith involved in the decision; or
- The making of the decision was an improper exercise of the power conferred by the enactment on which the decision was made.

The formal review passes through an Assessment Appeals Committee, convened by the Executive Officer that will meet within ten (10) working days of receipt of appeal.

The appeals process must allow for the student to formally present their case at minimal or no cost and allow them to be accompanied and assisted by a support person at any time during the appeals process. This person is not considered to be a legal representative.

A student may withdraw their appeal at any time during the process by providing a written notice of their wish to withdraw from the process. A student may continue in their course of study whilst their appeal is being decided.

In compliance with BKIs regulatory obligations students are notified of the outcome of a formal review within five (5) working days of the panel making a conclusion. BKI must ensure that its decision made is written and includes detailed reasons for the outcome. The student must also be given the details of the right to access an external complaints and appeals body. This may include the Victorian Ombudsman or the Dispute Settlement Centre of Victoria. Any costs incurred in relation to these external appeals will be borne by the student.

In the instance of an appeals process taking more than sixty (60) days, the reviewing officer at the time will inform the individual making the appeal, in writing, as to why the appeals process requires more than sixty (60) days to complete.

4.4 External Appeals for Review of an Assessment Decision

BKI must provide students with the details for making an external appeal regarding a decision made by BKI. If an external appeal results in a decision or recommendation being made in the student's favour, BKI must immediately implement the decision or recommendation and take any action required by the decision and inform the student of the decision and the action taken.

4.5 Record Keeping Obligations of Assessment Appeals

BKI must maintain records of all complaints and appeals as well as their outcomes for a period of 7 years. Confidentiality is maintained by BKI at all times in terms of who is informed of the appeal

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and who is able to access the complaints register. The register of complaints and appeals is used by BKI in order to observe potential trends or systemic issues arising in relation to complaints and appeals made and allow BKI to take corrective action in relation to identified risks.

4.0 Roles and Responsibilities

| Role | Responsibilities |
|---|---|
| Student | Requests appeal to assessment result Right to request an informal review – face to face or phone call And then/or a formal review – in writing |
| Lead Educator | Convene informal review Advises outcome of informal review Places documentation on student file |
| Executive Officer – Board of Studies | Investigates request for formal review Convenes Assessment Appeals Committee Advises outcome of formal review Ensures all documents relating to the appeal and outcome are filed in the students' academic file. |
| Assessment Appeals Committee | Reviews and makes formal decision |
| Teacher/Course Coordinator | Inform all students about the Assessment Appeals Procedure Convene informal review within five (5) working days of being notified by the student |

5.0 Definitions

| Word/Term | Definition |
|-----------------------------|--|
| Internal Assessments | Means that the method of assessment shall be determined by assessors appointed by BKI. |
| Procedural Fairness | Allowing anyone who has allegations made against them, to tell their side of the story before a decision is made. Ensuring that the decision-maker is independent of the decision being reviewed. |

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| Word/Term | Definition |
|--|---|
| Assessment Appeals Committee | <p>The Committee will comprise:</p> <ul style="list-style-type: none"> • The Chairperson of the Board of Studies or nominee i.e. Chief Academic Officer • A teaching staff member nominated by the Board of Studies, from a group other than in which the appellant is enrolled; • A qualified teacher/trainer/assessor of the competency/module(s) being appealed; • A representative of the Student Support Services team ; • The relevant group Education Manager; <p>The Executive Officer, Board of Studies will act as Executive officer for the Assessment Appeals Committee.</p> |
| Board of Studies | Institute wide committee responsible to the BKI Board for co-ordinating the core educational processes of BKI. |
| Executive Officer, Board of Studies | The Manager Academic Governance and Quality is the Executive Officer of the Board of Studies. |

6.0 Supporting Procedures

| Doc ID | Procedure name |
|--------|---|
| | Assessment Appeals Procedure |
| | Student Grievance and Complaint Procedure |
| | Training and Assessment Procedure |
| | Recognition of Prior Learning (RPL) Procedure |
| | Code of Student Behaviour Procedure |
| | Student Handbook |

7.0 Version Control and Change History

| Ver. | Approved By | Approval Date | Issue Date | Description of Change | Next Scheduled Review Date | Document Owner |
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8.0 KI Policy and Procedure Portal / BT BMS Requirements

| Category | Key Words |
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| Teaching and Learning | Assessment appeal |
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