

## **Assessment Appeals Policy**

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### **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 decisions impacting a student's course of study.

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. Specific information about assessment appeals is provided for students 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.

### **2.0 Scope**

Students have the right, in specified circumstances, to appeal BKI decisions that impact them. This policy does not cover complaints (see Feedback Policy – Complaints and Compliments).

### **3.0 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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### **4.0 Policy Statement**

BKI is committed to the principles of natural justice and procedural fairness upon the appeal of a decision made by BKI, including assessment. All students have the right to request a review of a decision in relation to their studies. The request must be submitted, in writing, within 28 days of the student being notified of the decision. This policy is made publicly available on BKI's 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 a decision are acknowledged in writing by BKI, irrespective of whether the request is made for an informal or formal review.

### **4.1 Appealable decisions**

A student or other eligible person may appeal decisions regarding:

- (a) academic misconduct; including breaches of the Student Code of Conduct
- (b) general misconduct; including breaches of the Student Code of Conduct
- (c) grievance or complaint;
- (d) academic progress;
- (f) incorrect information or advice given by any teaching or administrative staff of BKI or which appeared in any publication of BKI which has caused hardship to the student;
- (g) assessment outcomes;
- (h) selection;
- (i) enrolment, transfer and withdrawal;
- (J) Suspension or expulsion;
- (k) review, extend, renew or vary suspension or expulsion; and
- (l) student fitness to study.

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### **4.2 Grounds for appeal**

An appeal made under section 3.1 must be on one or more of the following grounds:

- (a) there was a misapplication of BKI's policies or procedures resulting in genuine disadvantage to the student that was the subject of the decision;
- (b) there is new information that could not reasonably have been provided at the time of the original decision, and that would probably have affected the decision or any penalty imposed;
- (c) the decision was manifestly wrong or the sanction manifestly excessive;
- (d) there was a bias or a conflict of interest on the part of the original decision maker/s

**4.3** An appeal made under 4.1 (h) can only be made on the grounds that a procedural irregularity has occurred in the selection process.

### **4.4. An appeal made under 4.1(g) can only be made on the following grounds:**

- (a) procedural irregularities in the conduct of the assessment, which may have had an effect on the outcome of the assessment; and/or
- (b) documented evidence of prejudice or bias on the part of one or more of the assessors.

### **4.5 Non-eligible grounds for appeal**

- (a) Decisions by an assessor in relation to the academic performance of a student in any component of assessment which is based solely on academic judgement cannot be appealed.
- (b) Dissatisfaction with the decision, that does not meet the grounds for appeal in 4.2 above;
- (c) Failure to read and act upon a notice or correspondence sent to the student email address in the student management system are not grounds for an appeal.
- (d) Misunderstanding or not being aware of BKI's policies and procedures is not grounds for an appeal.

**4.6** A student may only submit an appeal on their own behalf, not on behalf of a group or any other student. Group appeals will not be accepted.

### **4.7 External Appeals for Review of a 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.

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### 4.8 Record Keeping Obligations for 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 and who is able to access the complaints register. The register of complaints and appeals is used by BKI in order to identify 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.

### 5.0 Roles and Responsibilities

Role	Responsibilities
<b>Student</b>	Requests appeal to assessment result within the required timeframe Right to request an informal review – face to face or phone call And then/or a formal review – in writing
<b>Person or committee handling an appeal</b>	Reviews and makes a decision on an appeal in the specified timelines and applying the principles of natural justice and procedural fairness.

### 6.0 Definitions

Word/Term	Definition
<b>Internal Assessments</b>	Means that the method of assessment shall be determined by assessors appointed by BKI.
<b>Procedural Fairness</b>	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 bring reviewed.

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### 7.0 Supporting Procedures

Procedure name
Feedback (Complaints & Compliments) Procedure
Training and Assessment Procedure
Recognition of Prior Learning (RPL) Procedure
Code of Student Conduct Procedure
Student Handbook

### 8.0 Version Control and Change History

Ver.	Issue Date	Document Custodian	Description of Change	Approval Authority
1.0	23 May 2019	Chief Academic Officer	New Policy	BOS
2.0	28 Mar 2022	Registrar	Alignment to Feedback Policy	Chief Governance and Quality Officer

### 9.0 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

Executive Owner: Chief Governance and Quality Officer

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