

A5 - ACADEMIC GRIEVANCE POLICY

1 PURPOSE

The purpose of this policy is to outline the approach of BBI – The Australian Institute of Theological Education (BBI) to Academic Grievances.

2 BACKGROUND

BBI is committed to ensuring that all students have a positive relationship with the Institute and its staff members. The goal of this policy is to further the corporate and educational objects of the Institute as a recognised Australian higher education provider.

3 SCOPE

This policy applies to all staff and students of BBI.

4 DEFINITIONS

For the purposes of this policy, any person who is a prospective student, enrolled student, or member of faculty is eligible to notify a grievance of an academic nature.

Grievance: A stated grievance of an academic nature may include, but is not restricted to, an issue of academic qualification for admission to a course of study, an issue arising from academic assessment, a dispute over an assessment grade, progression in a course of study, academic supervision, academic freedom, ethical practice, internship performance, quality of feedback from faculty to students, course workload, or a combination of two or more of these factors.

A stated grievance excludes a matter of a non-academic nature, such as an administrative, employment, or financial matter or a matter involving property damage or personal injury; and disciplinary action taken by the Institute for academic or non-academic misconduct.

5 POLICY

BBI is committed to:

- ensuring that conflicts are resolved in an ethical manner;
- following transparent, ethical, and timely procedures for addressing complaints, grievances and appeals; and
- ensuring that all parties are treated equally and fairly, without fear of prejudicial treatment;
- being respectful of the privacy and reputations of the parties involved;
- according with current laws and principles of fairness;
- providing an appellate process that enables the independent review of a decision determined in response to a grievance;
- upholding the Institute's values;
- administering without charge to a bone fide grievant;

Resolutions of academic grievances are based on:

- the intrinsic merit of the grievance;
- proficiency of the grievant; and
- values and practices of the academic community locally and internationally.

6 PROCEDURES

The authorised officers of BBI (and their alternates in the event of their absence or involvement with the grievance) to whom a grievance is to be notified are as follows:

- For enrolled students the authorised officer is the Academic Dean and the alternative authorised officer is the CEO.
- For prospective students the authorised officer is the Academic Dean and the alternative authorised officer is the CEO.
- For both enrolled and prospective students, if the grievance relates to tuition fees, other College fees, Fee-Help assistance, or Fee-Help entitlement, the authorised officer is the Student Services Manager and the alternative authorised officer is the Director, Student Engagement and Services.

Stage-One Process – Preliminary Discussion and Advice

Resolutions of academic grievance

To ensure that a grievance of an academic nature has not arisen from clerical, systems or human error, enrolled students are enjoined to raise an issue of concern initially with their lecturer, supervisor, Course Coordinator or the Academic Dean, who may be able to review the position or BBI records before the grievance becomes formalised. For similar reasons, prospective students who may be aggrieved in relation to refusal or condition of BBI admission or award of academic credit or advanced standing or recognised prior learning are encouraged to raise their concerns initially with the Student Services Manager or the Academic Dean, who, with the grievant's consent, will review the grievance in consultation with the appropriate Course Coordinator. The Student Wellbeing and Engagement Officer may be approached at any time in relation to the policy, process and implications of making a grievance.

Provision of prompt, free and lucid feedback from faculty to students in relation to their academic development is ingrained in the ethos of BBI. This principle, intrinsic to BBI's student-focused mission, is intended to facilitate and enrich educational interaction between faculty and students, thus assisting the identification and, where possible, resolution of issues and concerns before they evolve as grievances.

Where an enrolled student or member of faculty may be aggrieved over an issue of academic policy, academic decision, academic practice, or research topic or methodology, the aggrieved faculty member is encouraged to raise the concern first with the Academic Dean or CEO to discuss the matter and ascertain possibilities of resolving the grievance without proceeding to formalisation. The authorised officer has a duty to advise the grievant of the options open for consideration of the grievance and the formal process(es) of notification.

Initial notification of the issue of grievance should be made to the authorised officer within seven days of the grievant receiving the advice, results or outcome which he or she seeks to dispute. The authorised officer is obliged to provide the grievant with advice within the next seven days. If requested, this advice will include a written detailed and reasoned explanation.

Stage-two Process – Notification, Inquiry and Hearing

Consideration of types of academic grievance that may lead to formal notification is outlined as follows:

Application for Admission:

a) A prospective or applicant student, who has applied for admission to a course of study provided by BBI and has had the application refused or approved subject to condition(s), and has either had the application refused or disputes any related condition may request that the decision be reviewed. A statement of grievance flowing from a dispute concerning admission is submitted to the Student Services Manager. This statement must be lodged with the Student Services Manager within a period of seven days from the date of receipt of the advice of the outcome of the initial application. The Student Services Manager will ordinarily interview the grievant, who may be accompanied by a supporter or adviser.

b) Within seven days of receipt of the statement of grievance, the Student Services Manager refers the statement of grievance to the Academic Board (or delegated committee) for determination. The Board (or Committee) must consider the referral within seven days of receipt. The Student Services Manager advises the grievant of the Board (or Committee)'s decision within the next 21 days and, if so requested, will provide a detailed and reasoned explanation of the decision.

Application for Admission with the Award of Advanced Standing or Academic Credit

a) A prospective or applicant student, who has applied for admission with the award of advanced standing or academic credit and has either had the application refused or disputes the approved quantum of advanced standing or academic credit, may request that the decision be reviewed. The award of academic credit will only be considered during the student application process, and not post-admission.

b) A statement of grievance flowing from a dispute over the award of advanced standing and academic credit is submitted to the Student Services Manager. This statement must be lodged with the Student Services Manager within a period of seven days from the date of receipt of the advice of the outcome of the initial application.

c) Within seven days of receipt of the statement of grievance, the Registrar refers the statement of grievance to the Academic Board (or its delegated Sub-Committee). The Board or Committee must consider the referral within twenty one days of receipt. The Student Services Manager advises the grievant of the Committee's decision within the next seven days and, if so requested, will provide a detailed and reasoned explanation of the decision.

Disputed Assessment Grades for a Subject

a) An enrolled student who disputes the grade awarded in a particular subject may elect to have the grievance determined through one of the two following options. In normal circumstances, the grievant should contact their marker or unit coordinator in the first instance to discuss the mark. Normally this will allow for a resolution in accordance with the Assessment Policy. If the student is not satisfied with this resolution, the grievant must notify the Academic Dean in writing within ten days of receipt of the closer of this process. The Academic Dean (or delegate) ordinarily interviews the grievant, who may be accompanied by a supporter or adviser.

b) Other than for special compelling reasons, no notification will be accepted after this date.

The Academic Dean processes the grievance (as appropriate) in one of the following ways:

Supplementary Assessment

- a) Where a student challenges a grade awarded, the Academic Dean refers the student to the Course and Unit Coordinators for consultation and advice. Again, the grievant should be interviewed and may be accompanied by a supporter or adviser. If the Course Coordinator, in consultation with the relevant subject coordinator, advises the student that supplementary assessment is appropriate (e.g. in the case of a "Fail" result), the student applies through the Academic Dean.
- b) The Academic Board (or delegated committee) considers the application within twenty one days of referral. If approved, the application is referred to the Unit Coordinator who arranges the date, time and type of assessment that is to take place and notifies the student in writing of these arrangements. In the case of a "Fail" or result, resubmitted assessments are eligible to earn a maximum of a "Pass" grade (i.e. 50 percent).
- c) The Unit Coordinator notifies the Chief Academic Dean of the outcome of the review once it is completed.

Other Forms of Review

In response to a student's notification, the Academic Dean, in consultation and collaboration with the Chair of the Academic Board (or delegate) and the Course Coordinator, initiates an internal review of the aggrieved student's case as expeditiously as possible. Again, the grievant should be interviewed and may be accompanied by a supporter or adviser. As part of this process, the Academic Dean exercises one of two options:

- a) Option 1, Review by Faculty Colleague - The Academic Dean obtains the opinion of another faculty member who is suitably qualified in the field concerned, where this is both practicable and appropriate;
- b) Option 2, Review by External Specialist - In consultation with the Chair of the Academic Board (or delegate), the Course Coordinator establishes such other form of review that is mutually acceptable to the appellant student and the Unit Coordinator. This normally involves BBI engaging a suitably qualified external arbiter to review the result in dispute. The Academic Dean appoints the arbiter who is provided with access to all relevant material to the review. The arbiter, who must be an acknowledged expert in the relevant discipline, reports to the Academic Dean. The arbiter's decision is final.

The Committee must consider the referral within twenty one days of receipt. The Academic Dean advises the grievant of the Committee's decision within the next seven days and, if so requested, will provide a detailed and reasoned explanation of the decision.

Other Forms of Grievance

Decisions concerning the outcome of applications for the recognition of prior learning in the context of student admission are neither reviewable internally nor are they appealable. Other areas of dispute which may qualify for academic review or appeal include (but are not restricted to) decisions concerning:

- i) a student's application to undertake concurrent studies;
- ii) a proposed variation to a previously approved course of study;
- iii) a proposed topic for independent study or College supported research;
- iv) withdrawal from a course of study without penalty; or
- v) leave of absence from study or assessment.

A student or member of faculty who disputes a decision of the Research Ethics Standing Committee of the Academic Board pertaining to the ethics of a particular research project or program may appeal to the full Board. In such cases, it is incumbent on the academic administration of BBI, particularly the authorised officer, to:

- a) process a grievance on the basis of written statement by the grievant;
- b) hear the grievant;
- c) consult, inform and hear any other relevant party or respondent to the grievant;
- d) adhere to a timeline for determination of no more than 28 days from date of lodgement;
- e) in notifying the grievant, provide a detailed and reasoned explanation of the determination, if requested.

Notification of "Reviewable Decision" and Availability of Appeal

The authorised officer is required to provide the grievant with written advice of the decision or outcome within seven days of the decision or determination (i.e. the "reviewable decision") having been made. If so requested, the grievant is provided with a detailed and reasoned explanation of the decision. When notifying a grievant of a determination, the authorised officer also notifies the grievant of rights and processes of appealing against the "reviewable decision", should the grievant wish to exercise this option.

Stage-three Process – External Review

Grounds for Appeal: The grievant may appeal against the "reviewable decision" on one or more of the following grounds:

- a) Evidence:
 - i) that, having regard to the evidence, the decision or determination is unreasonable or unsupportable;
 - ii) that particular evidence should not have been admitted or should have been rejected when the decision or determination was made; and/or
 - iii) that fresh relevant evidence has become available, this being evidence that was not available or not known to the appellant at the time when the decision was made;
- b) Process and Principle
 - i) that the decision or determination was made in breach of the rules of natural justice; and/or
 - ii) that, in some other way (e.g. unreasonable delay), a miscarriage of justice occurred in making the decision or determination;
 - iii) the decision or determination compromised academic merit or equity or subverted free and open intellectual inquiry;
- d) Remedy:
 - i) that the remedy or course of action proposed in response to a substantiated grievance is inappropriate or otherwise disproportionate vis-à-vis the disadvantage or wrong that the grievant has suffered.

Confidentiality and Privilege

The identities of persons involved in a matter that is the subject of appeal is confidential and privileged, provided that principles of natural justice are properly served. The appellant has a right to be heard and be accompanied by a supporter or adviser. In the absence of the appellant electing to have his or her own supporter or adviser present at the hearing, the authorised officer may appoint a supporter or adviser for the appellant.

External Review Procedures

Lodgement of Appeal: The grievant must lodge his or her appeal against the “reviewable decision” with the Academic Dean in writing and no later than 28 days after notification. The appellant must cite one or more of the prescribed grounds for appeal and include a statement showing why the original decision or determination should be quashed or varied, together with any documents that are material to the appeal.

Institute Response

Within seven days of the receipt of the appeal, the Academic Dean will notify all other relevant parties of the lodgement of the appeal, together with the grievant’s accompanying document, and invites submission of a response or advice regarding the appeal within the next seven days. In that same time period the Academic Dean will:

- i) arrange for an External Reviewer to be appointed by the Chair of the Academic Board (or delegate) who will be a person with appropriate experience;
- ii) set a date, time and location for hearing the appeal which should ordinarily be held no longer than 21 days after the appeal is lodged;
- iii) notify the grievant and the other parties of the date, time and location of the hearing;
- iv) provide the appellant and other parties with copies of documents material to the hearing;
- v) advise the grievant and any other party(ies) that he/she/they may have a supporter or adviser present at the hearing;

Appeal Determinations

Based on official records of evidence as may have been taken when the original decision or determination was made, the External Reviewer, on the hearing an appeal, determines that appeal in one of the following ways:

a) allow the appeal if, in the opinion of the External Reviewer, the original decision and any accompanying recommendation should be set aside and, in so doing, the External Reviewer may:

- i) quash the original decision; or
- ii) quash the original decision and direct that all or any of the matters which are the subject of the appeal be reheard or reconsidered; or
- iii) if it is deemed appropriate, either vary or substitute a different decision; or

b) dismiss the appeal if, in the opinion of the External Reviewer, no breach of fairness, process or natural justice occurred when the original decision was made; or

c) where it is able to consider any fresh evidence offered by the grievant, the External Reviewer may determine the matter itself without directing a rehearing.

Adjournment of Appeals Hearing may occur for no more than 14 days;

a) when the External Reviewer is unable to preside over a hearing due to schedule conflicts; or

- b) at the request of the grievant; or
- c) for other extenuating circumstances agreed to by the External Reviewer and the grievant

The c (or other administrative officer deputed for the purpose) may be present at the Hearing but sits only as an observer and recorder. A determination of an appeal by the External Reviewer is final and conclusive.

Hearing Notifications

a) Notification of Determination:

i) Parties: Within seven days of a determination being made in response to an appeal, the Academic Dean will provide the appellant, the Principal, together with any other party(ies) involved with the appeal, with a written notification of the determination. If so requested, the Academic Dean, as advised by the External Reviewer, provides a reasoned and detailed explanation of the decision.

ii) Archived Record: The Academic Dean will oversee the permanent archiving of all relevant documents associated with the appeal and its notation for a period of not less than 5 years;

iii) General Enforcement: Enforcement of any determination made by External Reviewer is the responsibility of the Principal, who, where practicable, will ensure its implementation within 30 days of the date on which the determination is notified.

b) Publication of a decision or determination may proceed only at the CEO's discretion, if it is deemed that publication would serve the public interest.

7 KEY RELATED DOCUMENTS

8 NOTES

Contact Officer	Academic Dean
Implementation Officer/s	Academic Dean
Approval Authority / Authorities	Academic Dean / Academic Board
Date Approved	15/12/15
Date of Commencement	1/1/17
Date for Review	24 Months after commencement
Amendment History	23/02/2017 – Amended to include reference to the Student Wellbeing and Engagement Officer in the procedures.
Key Stakeholders	Faculty & Sessional Academics