



## Grievance and Appeals Policy and Procedure

### Purpose

The purpose of the Oceania University of Medicine (OUM) Grievance and Appeals Policy and Procedure is to provide staff and students with a clear, integral way of raising and pursuing any work or study related Grievances or Appeals they may have.

### Scope

- This policy and procedure lists the operational and circumstantial areas that might lead to a Grievance within OUM, including Appeals against the outcome of prior investigations.
- It provides the contact points, formal mechanisms and pathways for staff and students to have their Grievances heard and resolved in a fair, respectful and transparent manner.
- It provides definitions of the terms used in the document.
- It does not include the content of codes or policies that govern OUM or its contracts.
- It does not cover the assessment of allegations made under the Staff or Student Code of Conduct. These processes are covered in the respective Codes.

### Application

This Policy and Procedure applies to:

- All OUM students, student associations, clubs and societies.
- All student interactions with each other, OUM staff, clients, patients and affiliates.
- All academic classes, examinations and submissions.
- All staff members and all individuals who enter into a relationship with OUM.
- All contractual arrangements with OUM.
- All facilities and entities funded, endorsed, or associated with OUM, including teaching and research facilities, accommodation, conferences, events, internships, and placements.
- All online activities and services created, authorized, sponsored, or funded by OUM and its associated entities.
- All OUM infrastructure, equipment and services.

### Definitions

Term	Definition
<b>Academic</b>	A teaching, examining, research and/or curriculum development staff member.



<b>Administrative Officer</b>	Any non-academic staff member processing enrollments, procedures and other OUM management processes.
<b>Allegation</b>	A claim served in writing accusing a staff member or student of breaching the Staff or Student Code of Conduct.
<b>Appeal</b>	A request for the review of a task reassessment or an earlier determination under the Staff or Student Code of Conduct.
<b>Appellant</b>	A person lodging an Appeal.
<b>Assessor</b>	The Student Affairs Committee, Academic Board or Executive Council responsible for assessing Grievance claims.
<b>Breach</b>	An action by a staff member or student which does not comply with the Staff or Student Code of Conduct.
<b>Cheating</b>	Dishonest or fraudulent conduct seeking to gain undue assessment advantage through the use of, collusion in, or distributing of privileged information.
<b>Complaint</b>	An allegation of misconduct by an OUM staff member or student.
<b>Complainant</b>	A person who lodged a complaint, which could be a staff member, a student or an external person, such as a patient, staff member of an affiliate (e.g. a clinic) or a member of the general public.
<b>Corrective Action</b>	Actions listed in a Determination which the respondent must complete, such as supplementary training.
<b>Custodian</b>	A Committee charged with: <ul style="list-style-type: none"> <li>● Managing the drafting and submission for approval of new PPSD within an area of responsibility (e.g., Admissions, Examinations).</li> <li>● Managing the implementation of, and OUM compliance with, approved PPSD in the same area of responsibility.</li> </ul>
<b>Determination</b>	The conclusion drawn from an assessment of an allegation under the Staff or Student Code of Conduct.



<b>Disciplinary outcome</b>	A penalty issued to a staff member or student for a breach under the Staff or Student Code of Conduct.
<b>Discrimination</b>	The unjust or prejudicial treatment of people based on race, culture, age, sex, sexual orientation, disability, religion, linguistic group, political affiliation.
<b>Grader</b>	A specialist who grades student exams or tasks submitted for assessment.
<b>Grievance</b>	A cause of distress felt to afford a reason for complaint or dispute.
<b>Grievance and Appeals Register</b>	A record of all Grievances and Appeals lodged, including all investigation details.
<b>Harassment</b>	Behavior towards a person that causes mental or emotional suffering, such as repeated unwanted contact, insults, threats, physical assault, or offensive language, ostracism or denial of access to services / information.
<b>Misconduct</b>	Unacceptable or improper behavior, not compliant with this Code.
<b>Online Services</b>	Any information technology resources or facility provided by OUM to support learning, teaching, research, or administrative and business activities.
<b>Plagiarism</b>	Intentionally or unintentionally using the work of another person, whole or in part, without due acknowledgment.
<b>Procedure</b>	A process for resolving a dispute over actions or behaviors.
<b>SAC</b>	Student Affairs Committee.
<b>Staff member</b>	Any individual who is remunerated for services by OUM. This includes contract staff, casual staff, academic staff and administrative staff.
<b>Student</b>	Any individual who is, was, or plans to be enrolled at OUM in a full-time or part-time capacity.
<b>Respondent</b>	A person who has had allegations of a breach under the Staff or Student Code of Conduct brought by another person.



## Policy Statement

Grievances may result from dissatisfaction with professional relationships, systems or technologies, or dissatisfaction with previous assessments and/or judgements. Grievances may be classed as 'Appeals' when an earlier assessment or judgment is challenged.

OUM endeavors to minimize such Grievances by:

- Complying with all laws, regulations and standards.
- Developing and continually improving its management systems and technologies.
- Creating comprehensive, well-delivered curricula.
- Recruiting experienced, professional staff.
- Maintaining rigor with its student assessments and grading.
- Maintaining professional behavioral standards through its staff and student Codes of Conduct.
- Maintaining respectful relationships and/or clear contracts with affiliates, government representatives, patients and members of the public.

Unfortunately, as with all work and study environments, Grievances will, from time to time, arise in OUM. This Policy and Procedure serves to guide staff and students in the principles and processes for resolving Grievances. At the same time, OUM records all Grievance issues and outcomes in a Grievance Register, to investigate trends and improve its overall management performance.

It is incumbent on all staff and students to comply with the tenets of the Student Code of Conduct or the Staff Code of Conduct, including a universal commitment to respectful, compliant and professional behavior. The assessment process for allegations of a breach under these Codes is contained within the respective Codes themselves. In all instances, fairness, transparency and due diligence are applied whenever an allegation of Code misconduct is assessed. Nevertheless, OUM respects that not all respondents or complainants are satisfied with the outcome of such assessments and an Appeal may result.

Grievances covered by this policy fall into four categories:

- Grievances lodged against a staff or student member's behavior - dealt with under the Staff or Student Code of Conduct in the first instance.
- Appeals against determinations made under the Staff or Student Code of Conduct.
- Requests for the reassessment of a grading made against an exam or submission
- Grievances lodged against perceived deficiencies in OUM's curriculum or its instruction and assessment systems, or OUM's management and operation systems.



## Grievance - General Considerations

When considering the lodgement of a Grievance or the assessment of one, several things need to be considered. To preserve a healthy learning, work or social environment, personal issues should not be addressed in general discussion forums, group chat applications, or any other open exchange forum. Any staff member or student not abiding by this guideline will be referred to their supervisor or the Student Affairs Committee (SAC) respectively.

Personal disagreements should, in the first instance, attempt to be resolved informally and directly with the other party face to face or via his/her personal email, phone or social media link. Formal Grievances should only be entered into where informal attempts have failed.

When students are considering a Grievance application, they need to be aware that academic criticism is part of the learning experience. Taking feedback is not always easy but is an essential component in the attainment of knowledge. Academic instructors should focus their criticism on the skill or attitude shortfall, presented clearly and objectively. Global or harsh criticism of the student should be avoided.

Similarly, taking and giving feedback between staff is not always easy but is essential for lifting skills, correcting behaviors, and improving relationships and productivity. Every staff member has their own motivations, personal circumstances and means of skill acquisition. These differences should be utilized during management discussions, including in regard to Grievances.

OUM takes genuine Grievances seriously and treats all claims with respect, confidentiality and due process. In the first instance,

On the other hand, students, academic and administration staff, workplace supervisors and subordinates should all refrain from making vexatious or petty Grievance claims. Making such claims will be regarded as a potential breach of the Staff or Student Code of Conduct and assessed by the SAC for students, by the Academic Board (AB) for academic staff or the Executive Committee (EC) for administrative staff.

If a student's claim is deemed vexatious by the SAC, the incident will be recorded in the student's file, and for a student/graduate applying to a residency program in the United States, the incident will appear in his/her Medical Student Performance Evaluation (MSPE) document. The MSPE is reviewed during the application process for residency/internship programs in the United States.

Staff, students, patients, affiliates or others may lodge a Grievance or Appeal over:

- Mistreatment by an instructor/grader, administrator, specialist, MD or student (for students or externals).



- Mistreatment by a supervisor, peer, subordinate or student (for staff).
- Mistreatment by a patient, OUM client, contractor or affiliate (e.g. hospital).
- The inadequate grading of an exam or submission (e.g. case study).
- The inadequate consideration of special circumstances when requesting an exam or submission extension.
- OUM's management of students (e.g. admission, dismissal, records, progression, tuition, fees).
- OUM's communication or operation systems (e.g. SIS, Moodle or Handbook functionality)
- An OUM course's content or instruction.
- Dissatisfaction with employment contracts, conditions, remuneration or promotion (for staff).
- A policy, procedure or associated document (e.g. guidesheet).
- A determination made under the Staff or Student Code of Conduct, including determinations made under the supporting policies listed below.

All Grievances should be lodged using the 'Grievance and Appeals Form'.

### **Grievance Assessment Principles**

Grievance assessments are guided by the following principles:

- Consistent, ethical and equitable practices.
- Consideration of all relevant evidence, people and policies.
- All irrelevant matters and biases are avoided.
- Transparent, timely and effective processes are used.
- All due care, sensitivity, fairness and confidentiality are applied.
- No adverse repercussions result from making Appeals.
- No unreasonable financial disadvantage is experienced.

At all stages when handling Grievances, OUM will provide:

- The opportunity for all parties to formally present their case and for respondents to be accompanied by a support person at relevant meetings, if desired.
- A full explanation in writing to all parties for any determinations and/or actions taken at the conclusion of the investigation process.
- Where the resolution of a Grievance results in a determination that supports a complainant, OUM will promptly implement any corrective and/or preventive actions and advise the complainant accordingly.
- A fully free service where Grievances are handled internally and reasonable costs where Grievances are handled externally.



In the case of students, OUM will, in most cases, maintain the student's enrollment during the Grievance assessment process, and will ensure that any associated costs are reasonable.

Nothing in this Policy prevents individuals taking action under consumer protection laws or other legal remedies applicable in the jurisdictions in which OUM operates.

A written record of all Grievances handled under this Policy will be maintained for a period of at least five (5) years in the Grievance Register. All parties may seek appropriate access to the Register upon written request to the SAC (for students) or the EC (for staff). External complainants and respondents will only have access to a Register extract pertaining to their case. The Ombudsman will have full access.

OUM will prepare a report each year analyzing data from the Grievance Register, for submission to the University Council. The report will include any recommendations for improvements to OUM's services and operations on the basis of any identified trends.

### **Code of Conduct Appeals**

The Staff and Student Codes of Conduct contain the processes for assessing allegations of misconduct respectively, as well as under other policies, as listed in the Supporting Documents below.

Should the respondent in a Code breach determination believe that due process had not been followed, a formal Appeal may be lodged within twenty (20) business days of the receipt of the determination. In the case of Appeals by students, the form should be submitted to the Secretary of the SAC. In the case of academic staff, it should be submitted to the Secretary of the AB, while in the case of administration staff, patients, affiliates or members of the public, it should be submitted to the Secretary of the EC. Patients, affiliates or members of the public may choose to lodge an Appeal where they believe the misconduct investigation of an OUM staff member or student has been inadequate.

The reasons for an Appeal need to be clearly articulated and may be based on issues such as:

- The allegation assessment processes in the Code had not been applied correctly or completely.
- The penalty applied under a Code assessment was viewed as excessively harsh.
- Mitigating or aggravating circumstances regarding the complainant and/or respondent were not known or taken into account when making the earlier determination, for example a disability or coercion.
- The complainant or respondent had not been able to present their case adequately due to language/cultural problems, insufficient time, communication breakdown etc.



- There had been a material lack of clarity on the part of OUM in relation to documentation or expectations which has affected the performance, behavior or actions of the appellant.
- New information has come to hand.
- The earlier assessor had not considered all relevant information.
- The earlier assessor gave weight to irrelevant matters.
- Bias had been applied when arriving at the earlier determination.
- There had been an unreasonable delay in proceedings.

The Appeal should present:

- A factual description of the complaint or dispute resulting in the Appeal.
- The name of the person(s) against whom the Appeal is initiated (if applicable).
- A brief description of all informal attempts at resolution.
- Any other information that the Appellant believes to be relevant or helpful.
- A proposed outcome.

All matters pertaining to the Appeal are to be kept strictly confidential by all parties involved. Any breach of confidentiality may result in a claim against the breaching party. In each case, the SAC, AB or EC will assess the Appeal. Where the appeal has been assessed by the SAC or EC, the outcome must be submitted to the AB for final approval before release. The Appellant will be notified of the outcome by the respective Secretary of lodgement within ten (10) working days of the decision.

The assessor may dismiss or uphold the earlier determination, or they may make a new determination. A new determination may include outcomes such as mediation or arbitration between the Appellant and the Respondent. Alternatively, corrective actions may be required for the Respondent or the Appellant (if the Appeal was deemed vexatious), such as additional training. In certain cases where a breach of the law is part of the new determination, a report may be filed with police.

In the case of students, the services of the Student Administration Manager (SAM) may be required to assist with communication, procedural organization and annual reporting, depending on the complexity of the Appeal.

No further Appeals may be lodged with the SAC, AB or EC regarding Grievances or Appeals beyond the opportunities outlined here.

### **Student Assessment Appeals**

If a student is dissatisfied with the grade they received following an exam or task submission, they have the right under this policy to seek a reassessment of that grade.





The review of student grading at OUM is guided by the following principles:

- Students have the right to request a review of any task assessment made, including those made in relation to late assessments, supplementary or deferred examinations, or special considerations.
- Students may request a review of a task assessment on the basis of an incorrect application of the assessment criteria, perceived assessment bias, an incorrect grade calculation, or mitigating personal circumstances.
- Requests for review will initially take the form of an informal discussion with the assessor.
- In the event that an informal discussion is unsatisfactory, a formal review may be lodged and assessed by a panel.
- An Appeal may be lodged if the formal review process is unsatisfactory.
- Every effort will be made to ensure that the request for an assessment review will be resolved promptly, objectively and with appropriate regard to confidentiality.
- Review processes will be fair and just, and with due regard to student well-being.
- Review processes will be managed consistently across OUM.
- All review processes and determinations will ensure that the integrity of OUM courses and assessments is maintained.
- Students may request a review of grades received for individual tasks worth 20 percent or more of the final unit result, consistent with this policy.
- Students who are unsatisfied with the result of a review may request a re-grade.
- A student may have no more than one review and/or re-grade of an assessed task.
- Where assessment review requests or determinations raise concerns about the OUM assessment design or practice, the University will initiate a systematic review process to ensure assessments are robust.

### **Informal discussion of a decision**

Students with queries or concerns about a task assessment decision should approach the grader informally no later than ten (10) working days after formal notification of the assessment result. If the student is uncomfortable with this, they are encouraged to approach the Regional Dean or student support staff to discuss their grading concerns. The grader should discuss the student's performance with reference to the grading criteria, checking that the assessment method is correct. If the assessment method and grading calculations are correct and valid, the assessment will not be regraded. If there is a deficiency with regard to the assessment methods and criteria, the task will be reassessed.

Should the student still be dissatisfied, they should be advised about the grounds and process for a formal review of the task or exam assessment. The grader should record the outcome of all grading reassessment discussions, with records to be kept confidential. The student should take



notes during any discussions to ensure that they remain cognisant of the issues raised, to avoid repeating any misjudgements and to be well prepared should they wish to take matters further.

### **Requesting a formal review**

Where a disputed assessment cannot be resolved informally, a formal review can be requested by lodging an Appeal in writing using the Grievance and Appeal Form. For disputes regarding exam results, the Appeal should be lodged with the Secretary of the Examinations Committee, for Committee assessment. For disputes regarding all other forms of assessment, the Appeal should be lodged with the Secretary of the SAC, for SAC assessment. The request should be lodged no later than ten (10) working days after notification of the assessment result. The grounds upon which a student may request a formal review are:

- The student believes that the marking or rubric criteria were applied incompletely or the calculation of the grade was incorrect.
- The marking or rubric criteria were applied unreasonably or prejudicially against the student.
- Due regard had not been paid to evidence of illness or circumstantial disadvantage.
- There had been a material lack of clarity on the part of OUM in relation to documentation or expectations which affected the performance, behavior or actions of the appellant.
- The earlier assessor had not considered all relevant information.
- Bias had been applied when arriving at the earlier determination.
- There had been an unreasonable delay in proceedings.

The following reasons do not constitute reasonable grounds for the review of an assessment decision:

- A comparison with the result for another student.
- Opinion of a student that the result does not match the effort made on the task.
- Visa or residence status of a student.
- Financial difficulties or employment prospects.
- An unrelated dispute with the previous assessor.

To assess the Appeal, the regional Academic Dean will convene a panel comprising two independent academic staff. The panel must not include the initial assessor. Following assessment of the requested review, the panel will determine either:

- That a reassessment other than a regrade is worthy (e.g. a recalculation).
- That a regrading is worthy.
- That the requested reassessment is unworthy.



Where the student's request for a regrade is valid, the relevant Committee will assign a suitably qualified member of staff to conduct the regrade which may produce a result that is higher, lower or the same as the original grade. The appropriate Secretary will notify the student of the outcome of the review within ten (10) working days of the determination. No additional formal internal review requests will be accepted once a determination is made.

### **OUM Systemic and Operational Grievances**

A student may have a Grievance with:

- The OUM curriculum content.
- The methods of instruction at OUM.
- OUM's assessment systems.
- OUM's tuition, fees or leave policies.
- Communication with OUM management.
- Student progress, probation, leave exemptions, special requests or dismissal etc.\*
- The SIS or Moodle functionality.\*
- One or more operational dealings with staff, other students or affiliates.\*
- Other actions or systems that affect the student's well-being or OUM status.

*\* Note: Grievances in these categories should be lodged within 21 days of the issue being identified.*

In these cases, students should lodge a written Grievance with the SAC Secretary, explaining the issue in some detail. The SAC will attempt to resolve the matter as soon as possible, usually within 10 days. If required, the SAC will investigate the matter with the relevant staff or committee, to seek a resolution. The SAC Secretary will communicate the outcome of the investigation as soon as practicable.

If the student is dissatisfied with the outcome from the SAC, they may pursue the matter further by lodging an Appeal with the Secretary of the AB, for an AB determination under the principles provided in this policy. The Secretary of the AB will communicate the outcome to the student via the SAC Secretary.

If students are dissatisfied with AB's assessment of their Appeal regarding systemic and operational issues, they will be advised of their right to Appeal through the Ombudsman.

Staff members may have a Grievance with:

- Their work or contract, role or conditions.
- Their remuneration or promotion.



- Their IT equipment or systems.
- The SIS functionality.
- One or more relationships with their supervisor, other staff, students, patients or affiliates.
- Other actions or systems that affect the staff member's well-being or performance.

In the case of academic staff, they should submit their Grievance in some detail to the Secretary of the AB, while in the case of administration staff, they should submit their Grievance to the Secretary of the EC. The AB or EC will attempt to resolve the matter at the earliest opportunity. If required, the AB or EC will consult with the appropriate staff members or committee. The relevant Secretary will communicate the outcome of the investigation as soon as practicable.

If the staff member is dissatisfied with the outcome of this investigation, they may lodge an Appeal with the University Council. If still dissatisfied, they may lodge an Appeal with the Ombudsman.

### **Appeals to the Ombudsman**

If the resolution of an internal Appeal is considered unsatisfactory, Appellants may lodge an Appeal with the OUM Ombudsman. The Ombudsman may only be approached once all other avenues of Appeal have been exhausted. The Appeal must be based on a belief that the core issue is founded in structural, operational or legislative deficiencies at OUM, which cannot be resolved through internal mechanisms.

The Ombudsman is independent of OUM and is the highest authority available for Appeal. Appellants should lodge the Appeal application with the Ombudsman's office within ten (10) working days of receiving an unsatisfactory internal determination. The Ombudsman's office will provide the timing and requirements for an Appeal at that level and then make a determination once these requirements are met. The Ombudsman's decision is final. No further avenues for Appeal are available.

### **Roles and Responsibilities**

#### **Complainants and Respondents**

Complainants and Respondents are expected to:

- Familiarize themselves with the requirements for lodging a Grievance, including the specified deadlines.
- Provide evidence in support of the type of Grievance they are lodging.
- Explain their Grievance clearly, with reasoned arguments.
- Act in good faith and not submit Grievances for frivolous or vexatious reasons.



- Submit Grievance and Appeal Forms to the Secretary of the SAC (students), AB (academic staff) or EC (administration staff, patients, affiliates or others).

### **SAC, AB or EC Assessors**

The SAC, AB or EC are responsible for assessing Grievance and Appeals claims and making determinations. The AB is also responsible for approving all Appeals determinations by the SAC or EC.

### **SAC, AB or EC Secretaries**

The Secretaries of the SAC, AB or EC are responsible for receiving Grievance and Appeals claims and providing complainants or appellants with the outcome of their complaint(s) in writing.

The Secretaries are also responsible for maintaining records in the Grievance Register. The Secretary of the AB is required to produce the annual Grievance Report.

### **Graders**

Graders are responsible for receiving requests for the reassessment of grades given by them, and for undertaking those reassessments, if determined to be valid.

### **Regional Deans**

Regional Deans can be approached by a student for an informal discussion regarding dissatisfaction with a task or exam grading. Regional Deans are also required to receive formal requests for the reassessment of a grade.

### **Academic Staff**

Two academic staff will be appointed by the Regional Dean as a panel to assess the formal request for a task reassessment.

### **Ombudsman**

The Ombudsman is responsible for assessing Appeals pertaining to systematic or operational deficiencies by OUM.

### **Supporting Documents**

- Grievance and Appeals Form
- Grievance Register
- Staff Code of Conduct



- Student Code of Conduct
- Academic Integrity Policy
- Academic Integrity Procedure
- Bullying Harassment and Discrimination Prevention Policy
- Conflict of Interest Policy
- Conflict of Interest Procedure
- Equal Opportunity Policy
- Equal Opportunity Procedure
- Fraud and Corruption Prevention Policy
- Fraud and Corruption Prevention Procedure
- Intellectual Integrity Policy
- Intellectual Integrity Procedure
- Sexual Harassment Prevention Policy
- Sexual Harassment Prevention Procedure

## Document Profile

<b>Title:</b> Grievance and Appeals Policy and Procedure	<b>Approved by:</b> Academic Board
<b>Custodian:</b> Academic Board	<b>Date approved:</b> 01-Feb-2024
<b>Custodian Chair:</b> <a href="#">Satupaitea Viali</a>	<b>Date of effect:</b> 01-Feb-2024
<b>Audience:</b> Staff and Students	<b>Current version:</b> 2.0
<b>Policy contact:</b> <a href="mailto:policies@oum.edu.ws">policies@oum.edu.ws</a>	<b>Next scheduled review:</b> 2027_02



## Version History

Version #	Action Taken	Team or Individuals Responsible	Final AB/EC/UC Approval Date
1.0	Document created	<a href="#">Damien Jones</a>	18-01-2023
2.0	Amalgamation with the Appeals and Assessment Review Policies and Procedures, and editing.	<a href="#">David Spolc</a>	01-Feb-2024