

GRIEVANCES, COMPLAINTS AND APPEALS POLICY

Section 1 - Purpose and Scope

- (1) This Policy outlines the key principles governing the College's management of its grievances, complaints and appeals process including:
- receiving and resolving informal and formal grievances or complaints made by students; and
 - receiving, assessing and hearing reviews and appeals of decisions that affect students.

Scope

- (2) This Policy applies to all students (domestic and international), regardless of their mode of study, including:
- all prospective students (up to 6 months from the issue arising – non-academic matters only); and
 - all former students (up to 12 months after enrolment has ceased).
- (3) A grievance or complaint made pursuant to this Policy may relate to:
- the performance of administrative, academic, teaching, or service functions of the College;
 - the education agents or any third parties involved in the delivery of courses or services by the College, if the matter is in regards to those courses; or
 - the behaviour or actions of staff or another student.
- (4) Students seeking to make a complaint about allegations of sexual assault or sexual harassment should refer to the Sexual Assault and Sexual Harassment Policy and Procedure.

Section 2 - Definitions

- (5) In this Policy:
- Appeals Committee** means the committee convened by Academic Board and chaired by an independent member of Academic Board or the Board of Directors. It has the delegated authority to investigate and make decisions concerning student appeals in relation to academic and non-academic matters.
 - Claimant** means the person who instigates a formal complaint or appeal.
 - Complaint** means a statement that a situation is unsatisfactory. It may include a grievance.

- d. **Complaints and Appeals Process** encompasses the informal and formal stages of the way the College manages student grievances, complaints and internal and external appeals/reviews of decisions. The four stages are:
- (i) Stage 1: Informal Resolution
 - (ii) Stage 2: Formal Resolution Process
 - (iii) Stage 3: Appealing the Original Decision (internal appeal)
 - (iv) Stage 4: External Independent Review.
- e. **Formal complaint** refers to the formal lodging of a written complaint or appeal of an earlier decision.
- f. **Frivolous complaint** means a complaint that is lacking in any substance or merit. Frivolous complaints do not imply an improper motive on behalf of the claimant, but concern matters that a reasonable person in the circumstances would not raise a formal complaint about (for example, a single instance of noise in a library quiet area).
- g. **Grievance** is generally used in this Policy to indicate a minor issue that may be suitable for informal resolution between the parties.
- h. **Respondent** refers to the person or institution against whom a formal complaint is lodged.
- i. **Student** means the person who has active enrolment status in a course at the College or falls within the Scope of this Policy (clause 2).
- j. **Vexatious complaint** is a complaint:
- without merit; or
 - where the substance of the matter has already been considered by the College; or
 - based on dishonest or contains intentionally misleading information; and/or
 - pursued with undue persistence.
- It may include allegations of actions or behaviour that did not occur (for example, alleged bullying by another person).
- k. **Working day** means a weekday (Monday to Friday) on which the College is open for business. This does not include national public holidays or College shutdown periods (for example, Christmas holidays) as noted on the official Student Calendar available on the ACPE website.

Section 3 - Policy Statement

- (6) The College is committed to providing an educational environment where all students and staff are treated fairly and with respect. A student's right to provide feedback, seek to resolve grievances, and pursue a formal complaint, review or appeal is recognised and supported.

- (7) The Grievances, Complaints and Appeals Process is premised on all parties acting in genuine good faith, with an open approach to considering reasonable options to resolve the matter.
- (8) The College manages all aspects of the Grievances, Complaints and Appeals process with due regard to procedural fairness (natural justice) for the claimant and the respondent. This involves:
- The right to be treated fairly and for all parties to be informed of the relevant process.
 - The right for relevant parties to be informed of allegations made against them.
 - The right to be heard and to be able to respond to allegations.
 - The right to an unbiased decision-maker.
 - The right to not have irrelevant matters considered.
 - The right to review or appeal.
- (9) While anonymous complaints can be made, the College may be constrained in how effectively these can be investigated, and ongoing anonymity cannot always be guaranteed if a matter is investigated.
- (10) A student lodging a complaint under this Policy generally has the right to withdraw it, but there will be instances where the College, for its own protection and the protection of others, must nonetheless continue to investigate after the complaint is withdrawn.
- (11) The College reserves the right to take appropriate disciplinary action in response to a vexatious complaint. The College may also decline to consider a frivolous complaint.
- (12) The College will manage the Grievances, Complaints and Appeals Process based on the following principles:
- Availability:** The process is available to all students and information is made available on the ACPE official website and other communications to students.
 - Accessibility:** All internal stages of the Grievances, Complaints and Appeals Process are free of charge to the student. Students may be required to pay a fee when making an appeal via the Student Mediation Scheme or other external agency after the internal process is exhausted.
 - Advocacy and support for students:** Students may use or be accompanied by a nominated support person to support their effective participation in the Grievances, Complaints and Appeals Process. A student may nominate their own support person, other than a practicing legal practitioner.

d. Timeliness:

- (i) The different stages of the Grievances, Complaints and Appeals Process is undertaken in a timely manner, in compliance with internal and external requirements.
- (ii) If, due to exceptional circumstances, the timeframe requirements cannot be met, the student is kept informed about the process.
- (iii) The College will implement agreed follow-up actions (recommendations) as soon as reasonably practicable.

e. Confidentiality and Privacy:

- (i) A complaint will be treated by all parties to the Grievances, Complaints and Appeals process with appropriate confidentiality.
- (ii) Unless otherwise required by law, access to information is limited to the parties involved and other staff members on a 'need to know' basis.

f. No disadvantage:

- (i) Students will not be disadvantaged or otherwise suffer adverse consequences as a result of pursuing a matter under this Policy. Unless circumstances of serious misconduct apply, a claimant's enrolment will normally be maintained while the Grievances, Complaints and Appeals Process (including external appeal) is underway.
- (ii) Any alternative study or class arrangements put in place by the College as an interim measure to help resolve a complaint should not disadvantage the claimant.
- (iii) The College will not tolerate victimisation in any form of:
 - a student lodging a complaint, review or appeal; or
 - any person providing information in relation to the matter the subject of the Grievances, Complaints and Appeals Process or is otherwise involved in the process.
- (iv) Disciplinary action will be taken against any student or staff member who retaliates against or victimises a person as outlined above.

Internal appeal

- (13) A student may lodge an internal appeal against an earlier College decision on one or more of the following grounds:
- a. that new and relevant material exists that was not reasonably available to the student before the formal decision was made and that would have a significant impact on the decision;
 - b. that there was a misapplication of policy or procedure resulting in some real disadvantage to the student;
 - c. that the sanction applied was manifestly excessive; or
 - d. that there was a bias or conflict of interest on the part of the relevant decision-maker.
- (14) The Appeals Committee is responsible for considering internal appeals.

- (15) Pursuant to the ACPE Governance Charter, the Appeals Committee is convened on an ad hoc basis, with its membership determined by the Academic Board, in consultation with the Board of Directors if appropriate. Depending on the nature of the appeal, its membership may include external members of the Board of Directors and/or Academic Board, staff members with no previous involvement in the matter and/or a student representative.

Recordkeeping and reporting

- (16) The College will keep all appropriate records of formal complaints, reviews and appeals matters including details of any investigation and decisions, in accordance with the Privacy Policy.
- (17) The College will hold each formal complaint file for a minimum period of five years after the final decision is made pursuant to the Grievances, Complaints and Appeals Process. (Where a complaint is referred to an independent external agency, the retention period commences at the conclusion of the external agency's involvement with the complaint.)
- (18) The College will use aggregated and de-identified data to support its monitoring, reporting and continuous improvement. This includes:
- recording all improvement action on the College's Continuous Improvement Register; and
 - regular reporting to the College Board and Academic Board of the nature of formal complaints, reviews and appeals, and the action taken to address them.

Section 4 - Procedures

- (19) Grievances, Complaints and Appeals Procedure.

Section 5 – Guideline

- (20) Nil.

Related documents

This Policy should be read in conjunction with but not limited to:

- Grievances, Complaints and Appeals Procedure
- Student Code of Conduct
- Academic Integrity Policy and Procedure
- Student Misconduct (Non-Academic) Policy and Procedure
- Sexual Assault and Sexual Harassment Policy and Procedure
- Diversity, Equity and Inclusion Policy and Procedure
- Privacy Policy
- ACPE Grievances, Complaints and Appeal Form

Legislation:

- a. Higher Education Standards Framework 2021
- b. Tertiary Education Quality and Standards Agency (TEQSA) Act 2011
- c. The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (The National Code)

Sources:

- a. TEQSA Guidance Note: *Grievance and Complaint Handling* (Version 1.1 22 February 2019) <https://www.teqsa.gov.au/guidance-notes> accessed 21 June 2021
- b. Flinders University: Student Complaints Policy and Procedure <https://www.flinders.edu.au/policies> (Academic and Student) accessed 21 June 2021
- c. Flinders University: Student Review and Appeal Policy and Procedure <https://www.flinders.edu.au/policies> (Academic and Student) accessed 21 June 2021

Document Administration

Policy Name	Grievances, Complaints and Appeals Policy
Policy Owner	Director of Student Services and Campus Wellbeing
Approval Authority	Academic Board
Approval Date	22 November 2021
Effective Date	As at Approval Date
Next Review #	Three years from the Approval Date
Amendment history	
Version 1:	<p>Document substantially revised and implemented. April 2021 amendments include: timeframe for commencing assessment of formal complaints & appeals (10 working days); provision for dealing with conflicts of interest; and reference to the role of the Resolution Institute. (Policy and Procedure)</p> <p>July 2021 amendments include inclusion of clauses in relation to: vexatious and frivolous complaints; establishing grounds for internal appeal; anonymous complaints; withdrawing complaints; clarification of procedural fairness.</p> <p>February 2022: job titles updated to reflect internal operational changes.</p>

Unless otherwise indicated, this Policy will still apply beyond the Review date