

GRIEVANCES, COMPLAINTS AND APPEALS PROCEDURE

Section 1 - Purpose and Scope

- (1) This Procedure sets out the stages of the Grievances, Complaints and Appeals Process for current, former and prospective students (within scope) including:
- the informal processes;
 - the process for lodging a formal complaint;
 - the process for lodging an internal appeal or review of an earlier decision; and
 - the options for external review available to domestic and international students

as they apply to academic and non-academic matters.

- (2) This Procedure applies to all students (domestic and international) regardless of their mode of study, noting that:
- prospective students may lodge a grievance or complaint in relation to non-academic matters only up to 6 months from the issue arising;
 - former students may lodge a grievance or complaint in relation to academic and non-academic matters up to 12 months after their enrolment has ceased; and
 - current students may lodge a grievance or complaint at any time during their enrolment.

Note: Students are encouraged to lodge grievances or complaints as soon as practicable after the issue arises.

Section 2 - Definitions

- (3) In addition to the definitions set out in the Grievances, Complaints and Appeals Policy:
- Academic matters** relates to student academic progress, assessment, curriculum, the quality of course delivery, academic achievement in a course and awards in a course. This may include but is not limited to:
 - academic progress;
 - assessment matters;
 - supervision of practicum;
 - grading decision;
 - attendance;
 - results of a credit transfer or recognition of prior learning applications;
 - findings of allegations of academic integrity (for example, plagiarism or cheating);
 - issues related to intellectual property;

- a decision of a member of academic staff that affect an individual student or a group of students;
 - exclusion from study or continued enrolment;
 - quality of course delivery, content or structure of academic programs or nature of teaching; and
 - negative admissions decisions based on academic concerns.
- b. **Non-academic matters** means those matters that do not relate to academic matters. They may include but are not limited to:
- sexual and other forms of harassment;
 - discrimination or indirect discrimination based on a person's protected attributes (such as age, race gender, disability);
 - breach of personal information, including information obtained for the purposes of FEE-HELP assistance and repayment of HELP loans;
 - unfair treatment;
 - physical or verbal abuse and behavioural issues;
 - concerns about campus facilities and equipment, environment, health and safety, provision of student support services and amenities;
 - negative admissions decisions based on biased or unfounded non-academic concerns; and
 - bullying.

For this purpose of this Procedure, non-academic matters do not include:

- unsuccessful applications for a tuition fee reversal due to special circumstances; or
 - decision to restrict access to FEE-HELP due to not meeting the FEE-HELP minimum pass rate.
- c. **Student Mediation Scheme** means the independent external review process available to students through the College's membership of the Resolution Institute.

Section 3 – Procedure

Feedback

- (4) The College encourages students to provide feedback about its services and courses through the ACPE Feedback Monitor feedback@acpe.edu.au. All feedback submitted to this email address receives an initial response **within three working days**.
- (5) Feedback is not normally viewed as a complaint unless specific action is requested in the form of a concern raised. In some cases, the College may recommend to the student that they pursue a formal complaint for a matter to be investigated more thoroughly.

- (6) All aspects of the Grievances, Complaints and Appeals Process must be conducted in English.

Four stages of the Complaints and Appeals Process

Stage 1: Informal Resolution

- (7) Students are encouraged, where appropriate and possible, to try to resolve their grievances amicably and directly with the relevant person or work unit at an early stage.
- (8) Not all matters are suitable for informal resolution. In particular, matters involving allegations of serious misconduct should be referred to the formal Grievances, Complaints and Appeals Process as a priority.
- (9) Where a student seeks to informally resolve their grievance, they may do this by speaking directly with a relevant staff member or by lodging feedback (in accordance with clauses 4 – 5). Students are encouraged to be specific in naming their concerns and, if possible, propose solutions.
- (10) A staff member who becomes aware of a student grievance:
- should endeavour to resolve the matter to the satisfaction of all parties if possible;
 - may refer the matter to a manager or supervisor if appropriate; and/or
 - may contact Student Services for advice.
- (11) Some of the strategies the relevant staff member may use, in attempting to resolve a student grievance, includes:
- making preliminary enquiries and seeking advice if required;
 - problem solving and undertaking remedial intervention;
 - referring the student to other staff or support services;
 - facilitating discussions between the affected parties; and
 - referring the student, or the matter, to the formal Complaint and Appeals Process (Stage 2).
- (12) An informal resolution is achieved when there is agreement between the student and the person or work unit in relation to the concern. They do not involve a ruling by a higher authority.
- (13) The relevant staff member must keep accurate records until such time any informal resolution is agreed and implemented by both parties. The relevant staff will gather information and supporting evidence and send it to feedback@acpe.edu.au. Details of the informal resolution will be recorded on the Feedback & Complaints register.

- (14) An informal resolution involving a decision communicated in writing is considered to be a decision by the College which may be reviewed in accordance with this Procedure.
- (15) An informal resolution not involving a decision communicated in writing can be lodged as a formal complaint under this Procedure if the informal resolution is unsuccessful.

Stage 2: Formal Resolution Process

- (16) A student initiates a formal complaint by submitting the appropriate application (Grievances, Complaints and Appeals Form) available on the ACPE official website or directly from the College.
- (17) The formal complaint, with supporting documentation, should be sent to feedback@acpe.edu.au or in hard copy to Student Services.

Note: Complaints about sexual assault or sexual harassment should be sent to sash@acpe.edu.au or as otherwise outlined in the Sexual Assault and Sexual Harassment (Students) Policy and Procedure.

- (18) Where there is an actual or a reasonably perceived conflict of interest between the claimant or other key parties involved in the complaint, and the Director of Student Services and Campus Wellbeing, a delegate will be appointed to manage the complaint process on behalf of the Director.
- (19) The College will:
 - a. acknowledge receipt of the formal complaint **within 3 working days** of it being received; and
 - b. prioritise formal complaints for action;
 - c. commence assessment of the formal complaint in a timely manner, and **within 10 working days** of it being received; and
 - d. aim to finalise and communicate the outcome to the student as soon as practicable.
- (20) For complaints relating specifically to assessment items only, the decision will be made **within 10 working days**.
- (21) The Director of Student Services and Campus Wellbeing, or delegate, is responsible for investigating the complaint. This may include:
 - a. forwarding the complaint directly to the relevant staff member (such as the Unit Coordinator or Head of Department for assessment-related complaints) for consideration and recommendation;
 - b. contacting the student, the respondent and any other parties to gather or clarify information;

- c. keeping the student informed about the complaint process and any next steps that may be proposed.
- (22) The Director of Student Services and Campus Wellbeing, or delegate, will notify students in writing of the outcome of their complaint.

Formal Investigative process

- (23) A formal investigative process may be used where the Director of Student Services and Campus Wellbeing (or other relevant decision-maker such as the CEO or the Dean) considers the complaint is of a level of seriousness or complexity that an investigative process is necessary.
- (24) The investigator may be an internal or external appointment, with appropriate skills and training to conduct the investigation and with no conflict of interest or prior involvement in the complaint.
- (25) The investigator:
- a. must undertake the investigation with due regard to procedural fairness for the claimant, the respondent and other stakeholders, in a timely manner that is aware of participants' safety and wellbeing;
 - b. will prepare a report setting out: the complaint, how the investigation was conducted, and the relevant facts and findings; and
 - c. will present the report to the relevant decision-maker for their consideration.
- (26) The investigator's report will be considered by the Director of Student Services and Campus Wellbeing or relevant decision-maker and a final decision made which is communicated to the student as soon as practicable after the decision has been made.

Decisions in complaints processes

- (27) A formal complaint will be found to be either:
- a. substantiated;
 - b. substantiated in part; or
 - c. not substantiated.
- (28) A decision that the complaint is substantiated wholly in or in part may lead to any combination of the following outcomes, or any other outcome considered appropriate in the circumstances:
- a. rectifying an administrative or academic error;
 - b. implementing a negotiated solution;
 - c. putting in place a direction of no contact by a named individual by any means or for any reason;

- d. providing intervention strategies by an academic staff member;
- e. referring the student to other support mechanisms within the College; and/or
- f. initiating misconduct action.

Stage 3: Appealing the Original Decision (Internal appeal)

- (29) If a student is dissatisfied with the outcome of their complaint, and they meet the relevant grounds, they may lodge an internal appeal to the Director of Student Services and Campus Wellbeing, detailing the reasons for the appeal **within 20 working days** of being informed of the decision.
- (30) When lodging a request for an internal appeal, a student should provide as much detail as possible, including:
- a. the nature and details of the original decision and any facts or documentation regarding it;
 - b. the written decision of the decision-maker; and
 - c. specifying their grounds for requesting the internal appeal in accordance with clause 13 of the Grievances, Complaints and Appeals Policy.
- (31) The Director of Student Services and Campus Wellbeing is responsible for assessing requests for internal appeal and may:
- a. advise the student that there is no grounds for taking further action; or
 - b. further seek to resolve or mediate the complaint where that may be reasonable, practical or appropriate in the circumstances; or
 - c. recommend to the Chair of Academic Board that an Appeals Committee should be convened to consider the matter based on the documentation submitted as part of the internal appeal.
- (32) The Appeals Committee:
- a. must undertake their considerations in the manner it sees fit, with due regard to procedural fairness for the claimant and the respondent, timeliness of process, and participant's safety and wellbeing;
 - b. may seek further information (in writing or oral statements) from the claimant, other students and College staff to inform itself of relevant facts;
 - c. may hold a formal hearing to allow parties provide oral evidence to the Appeals Committee. The student claimant may bring a support person to the hearing (other than a practicing legal practitioner); and
 - d. will prepare a report setting out the complaint, how its appeal was conducted, the relevant facts and findings, and its determination about the complaint under appeal.

- (33) The Appeals Committee will either:
- allow the appeal in whole or in part; or
 - dismiss the appeal.
- (34) A written notice outlining the outcome of the appeal including reasons for the decision will be provided to the student.

Stage 4 – External Independent Review

- (35) Students who remain dissatisfied with the outcome of the internal appeal decision of the Appeals Committee (Stage 3) may be eligible to seek a further review of the matter:
- via the Student Mediation Scheme administered by the Resolution Institute; or
 - via an external government agency.

Note: Students considering an external review are encouraged to first speak to the College about their options.

Student Mediation Scheme

- (36) The College is a member of the Resolution Institution, providing students with the opportunity to pursue an independent external review and mediation through its Student Mediation Scheme. Information is available at the Resolution Institute's website: <https://www.resolution.institute/resolving-disputes/tertiary-student-au>

Note: In summary, the Resolution Institute appoints a suitably qualified mediator, liaises with the parties as necessary and manages the process.

- (37) The services available under the Student Mediation Scheme are:
- available to domestic and international students; and
 - may only be used once the College's internal appeals process has been exhausted.
- (38) A student seeking an external independent review should proceed in accordance with the requirements set out on the Resolution Institute's website, namely to:
- complete the Student Application for External Review form;
 - advise the College that they (the student) wish to proceed with the external appeals process (**before** lodging the Student Application for External Review); and
 - pay the required fee and lodge the Student Application for External Review form with the Resolution Institution and any supporting documents.

- (39) A student seeking to pursue an appeal by the Student Mediation Scheme is expected to lodge supporting documents presenting new or additional information or evidence supporting their case or substantiating an argument as to why the decision of the Appeals Committee did not comply with the College's Policies, Rules or Procedures. It is not sufficient to simply disagree with the decision.
- (40) A student lodging an application pursuant to clause 38 is required to pay 50% of the application fee and may be liable for additional fees. The College will:
 - a. pay the balance of the required fees; and
 - b. refund the student any fees paid pursuant to this clause if the appeal decision is found in favour of the student.
- (41) The College may use the Student Mediation Service to respond to particular circumstances impacting on its the relationship with one or more students. The College is responsible for all fees in such cases.
- (42) The College will implement all decisions made by the Student Mediation Service.
- (43) A domestic student who is dissatisfied with the outcome of the Student Mediation Scheme and that the decision has implications for the student's FEE-HELP debt, has the right to apply to the Administrative Appeals Tribunal (AAT). Information about the process, including applicable fees, is available on the AAT's website: <http://www.aat.gov.au> or seek further advice from the Director of Student Services and Campus Wellbeing.

Other review options

- (44) The table below sets out the options for review by external government agencies:
 - a. Each agency has areas of regulatory responsibility to deal with specific types of matters and processes to respond to complaints lodged with them. The normal expectation is that a student has pursued the internal avenue of appeal before proceeding to external review.
 - b. Students are encouraged to seek advice from Student Services and Campus Wellbeing as to the option that may best suit their circumstances.

Australian Human Rights Commission	Discrimination and harassment contrary to federal law https://www.ahrc.gov.au
NSW Anti-Discrimination Board	Discrimination and harassment contrary to NSW law https://www.antidiscrimination.justice.nsw.gov.au/
Overseas Student Ombudsman	International students only (Not academic grades or similar).

	<p>The Overseas Student Ombudsman is a specialist role of the Commonwealth Ombudsman, providing an external complaints and appeals mechanism for international students.</p> <p>http://www.ombudsman.gov.au/about/overseas-students Ph: 1300 362 072</p>
Tertiary Education & Quality Standards Authority (TEQSA)	<p>Serious issues of risk to students, quality or compliance</p> <p>https://www.teqsa.gov.au/raising-complaint-or-concern</p>
Australian Competition & Consumer Commission (ACCC)	<p>Domestic students (complaints regarding fees, refunds or cancellations)</p> <p>https://www.accc.gov.au (Contact the ACCC tab)</p>
Administrative Appeals Tribunal (AAT)	<p>Domestic students FEE-HELP Student: Remission of fees only. Note: Application fee may be required.</p>

Outcome of Complaints and Appeals Process

- (45) The College will implement necessary actions following the decisions of the different stages of the Complaints process.
- (46) All outcomes will be communicated to the relevant students and staff in writing.

Related documents

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

- a. Grievances, Complaints and Appeals Policy
- b. Student Code of Conduct
- c. Academic Integrity Policy and Procedure
- d. Student Misconduct (Non-Academic) Policy and Procedure
- e. Sexual Assault and Sexual Harassment Policy and Procedure
- f. Diversity, Equity and Inclusion Policy and Procedure
- g. Privacy Policy
- h. 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

Procedure Name	Grievances, Complaints and Appeals Procedure
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Amendment history	
Version 1:	<p>Document substantially revised and implemented.</p> <p>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: clarification of the 4 stages of the Complaints and Appeals Process; appointment of external investigator and Resolution Institute.</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