

POLICY DOCUMENT

GRIEVANCES, COMPLAINTS AND APPEALS POLICY

1 Purpose and Scope

This policy pertains to the management of applicant and student grievances, complaints and appeals by providing guidance to the procedure to be followed and ensuring that the concern raised is addressed using the appropriate channels to facilitate an equitable, confidential and prompt resolution. This policy is freely available to higher education students or persons seeking to enrol in a higher education course of study via the College's website, regardless of the location of campus at which the grievance has arisen, the student's place of study or the delivery mode.

Scope:

- All courses
- All students (domestic and international students)
- All prospective students (up to 6 months from issue arising – non-academic matters only)
- All former students of the College (up to 12 months after enrolment has ceased)
- All academic staff (including permanent and contract academics)

2 Policy Statement

The College is committed to providing high quality educational programs and excellent graduates who will practice as leaders in their chosen field. The College recognises the importance of effective communication as essential to resolving any concerns, and this policy is fundamental to the resolution of grievances and the reconciliation of Claimants with the College.

The College considers it important to be made aware of all appeals and grievances from members of the College community. The College aims to respond to appeals and grievances in a fair and equitable manner and to resolve the grievance to the satisfaction of all parties.

This Policy is in place to deal with both academic and non-academic appeals and grievances and to guide the actions taken by all parties; as well as to deal with any complaints, appeals and grievances regarding the College, its education agents and any third party the College has an arrangement with to deliver students' courses or any related services. This Policy will be published on the College's websites for the information of current and prospective students, academics, and general staff. In addition, it will be provided to students at course commencement.

The CEO and Dean and the Director of Student Services and Campus Wellbeing are responsible for the training of academic and support staff in the application of the Policy.

2.1 Record Keeping and Confidentiality

Records of formal grievances and their outcomes will be kept strictly confidential and filed in a separate file (not student or staff files). All related correspondence, both inwards and outwards, will be electronically saved on the server.

Each file is to be held by the College for a minimum period of **five years** after the Claimant's final dealings with the College on the grievance. The minimum five year retention provision also applies where the grievance is dealt with externally, with the retention period commencing at the conclusion of the external reviewer's involvement with the grievance. Informal grievance records will be destroyed when mutual resolution is agreed.

Confidentiality is observed at all times, with records of all grievances, applications for review and the outcomes only available to the parties involved in the grievance under supervised access upon written request to the Director of Student Services and Campus Wellbeing

2.2 Concerns about Academic and Non-Academic Matters

- **Academic matters** relate to student academic progress, assessment, curriculum, quality of course delivery, academic achievement in a course and awards in a course. This may include but not limited to:
 - academic progress
 - assessment matters,
 - supervision of practicum,
 - grading decision (e.g. failure of an assessment piece or subject)
 - attendance procedures
 - results of a credit transfer or RPL applications

- findings of allegations of academic integrity (e.g. 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 continual enrolment
 - quality of course delivery, content or structure of academic programs or nature of teaching
 - negative admissions decisions based on academic concerns
- **Non-academic matters** do NOT relate to student progress, assessment, curriculum and award in a course(s). They may include but not limited to:
 - Sexual and other forms of harassment
 - Discrimination on the grounds of gender, identity, sexual orientation, marital, parental or carer status, pregnancy, breastfeeding, age, physical features, impairment, race, ethnicity, political or religious belief or activity.
 - Breach of personal information, including information relating to information obtained by the College 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, environment, health and safety or equipment, provision of student support services such as those associated with the application and enrolment process, and amenities,
 - Negative admissions decisions based on biased or unfounded non-academic concerns,
 - Bullying.
 - The following cases are NOT considered under this policy:
 - Unsuccessful application for a tuition fee reversal due to special circumstances.
 - Decision to restrict access to FEE-HELP due to not meeting the FEE-HELP minimum pass rate rule.

2.3. Assurances

- 2.3.1 During all stages of the grievance process, the College will take all steps necessary to ensure that the Claimant and Respondent will not suffer any disadvantage, victimisation or discrimination as a result of raising a grievance.

- 2.3.2 An explanation in writing for decisions and actions taken at any stage of the process will be provided if requested by the Claimant or the Respondent.
- 2.3.3 Appropriate confidentiality will be maintained, and where possible, disclosure of grievance.
- 2.3.4 Information will be limited to those who are legitimately involved in the process of resolving the grievance.
- 2.3.5 Negotiated solutions will aim to address the key issues and be acceptable to all individuals or parties involved without ascribing blame, victimisation or discrimination.
- 2.3.6 This Policy does not replace or modify policies or any other responsibilities that may arise under other College policies or under statute or natural justice. This Policy does not remove the right of the student to take action under Australia's consumer protection laws or the right to pursue other legal courses of action.

2.4 Principles

The following principles will apply to all grievances, complaints and appeals managed by the college, either informally or formally:

a. AVAILABILITY

This policy is freely available to all students and staff. All students are entitled to access the complaints and appeals procedures set out in this policy regardless of the campus or the college at which the grievance or complaint has arisen.

b. COST

All internal stages of the Grievances, Complaints and Appeals process shall be free of charge to the student.

Students choosing to access an external review agency (refer Stage 4), may have to pay a service fee. The service fee is refunded to the student by the college if the external review agency decides in favour of the student.

c. ADVOCACY AND SUPPORT FOR STUDENTS

Any person involved in this process who is disadvantaged in any way in the ability to present his/her case should be allowed the support and advice needed to participate effectively. While a conciliatory approach is preferred and encouraged under these procedures, it may be appropriate in some circumstances that the student or staff member has another person speak on his or her behalf.

Students may be accompanied by their nominated support person or third party when meeting with the College to discuss their particular concern.

As the appeal is not a legal proceeding, legal representatives are NOT permitted to attend the hearing to support and assist the student.

d. **TIMELINESS**

All grievances, complaints and appeals should be resolved as quickly as possible. Timeframes prescribed in these procedures should be followed, unless there are exceptional circumstances.

If the timeframes is to be exceeded by staff, the student must always be informed of the length of, and the reason for, the delay.

e. **APPROPRIATE CONFIDENTIALITY**

All grievances, complaints and appeals must be treated with appropriate confidentiality at all phases in the procedures. Access to information must be strictly limited to those staff members who have a 'need to know' in order to deal with the grievance, complaint and/or appeal.

f. **WITHOUT DISADVANTAGE**

If a student lodges a grievance, a complaint or an appeal under this policy and its procedures, they should feel confident they will not be disadvantaged, in any way especially by way of subsequent victimisation, and/or discrimination.

g. **PROCEDURAL FAIRNESS**

Procedural fairness, also referred to as natural justice, is concerned with the procedures used by the ACPE Director of Student Services and Campus Wellbeing or delegaterather than the decision reached. It requires a fair and transparent procedure be used when making a decision.

All parties involved in a grievance, a complaint or an appeal must be given the right to be heard; the right to be treated without bias; and for a decision that is based on evidence. Where there is a conflict of interest between the complainant and the ACPE Director of Student Services and Campus Wellbeing, an alternative delegate will be appointed to oversee the process.

In practice, procedural fairness involves:

- ensuring that there is proper investigation of the facts and information available; informing relevant parties of any allegations made against them, as appropriate;
- ensuring that all parties are informed of the procedures under which the grievance, complaint or appeal are being handled and are given a copy of the relevant policy and guidelines;
- ensuring that all parties are heard and those who have had complaints made against them are given an opportunity to respond;
- ensuring that all relevant submissions and any mitigating factors are given due and proper consideration before any conclusions are reached or any action is taken;
- advising all parties that if the grievance or complaint is of such a serious nature that disciplinary action may result, then the facts revealed during an investigation into the grievance or complaint may be used in any subsequent disciplinary proceedings;

2.5. Feedback

2.5.1 Feedback from students about services and courses offered by the College is encouraged and would not normally be viewed as a complaint, unless specific action is requested in the form of a concern raised.

2.5.2 The feedback should be submitted to feedback@acpe.edu.au, and addressed to the Director of Student Services and Campus Wellbeing . All feedback submitted to this email address receives an initial response within three (3) working days.

2.5.3 In some cases, students or potential students may feel that they have experienced unfair or unreasonable treatment, disadvantage or distress that they may wish to pursue the matter through a more formal process.

2.6 Stages of the Formal Complaints and Appeals Process

The following steps identify the four key stages through which a complaint or appeal may be processed. The College provides steps to allow the grievance to be formalised.

The Claimant's privacy rights will be assured whilst also ensuring that victimisation and discrimination does not occur at any time during the following stages.

The Claimant has the right to be heard on the matter of the grievance at any stage and may be accompanied by their nominated support person or third party when meeting with the College to discuss their particular concern.

The four stages of the Grievance Process are fully detailed below:

2.6.1 Stage 1 – Informal Resolution Process

- Wherever possible the resolution of student complaints will be handled informally. Claimants are encouraged to attempt to resolve the grievance informally and amicably at an early stage.
- This can be done through speaking directly with a member of student services, support or academic staff, or can be lodged via email to feedback@acpe.edu.au.
- Students submitting feedback will receive a response **within 3 working days**, as specified in *Feedback* section.

2.6.2 Stage 2 – Formal Resolution Process

- The formal complaint procedure begins when a student or potential student states in writing that they have a grievance using the *Complaints Form* submitted directly to the Director of Student Services and Campus Wellbeing via Student Services. Students should use the appropriate form available on the College website, or from Student Services.
- The College will commence assessment of the formal complaint **within 10 working days** of it being made, in accordance with this policy, and will finalise the outcome as soon as practicable. The claimant will be provided with comprehensive written advice about the decision.
- The Director of Student Services and Campus Wellbeing will investigate the claim at this stage using all available resources which could include information as written evidence, staff statements, or any other information deemed relevant to the complaint. For assessment item grievances, this will include forwarding paperwork directly to the relevant Subject coordinator or Head of Department for investigation and recommendation. .
- For grievances relating specifically to assessment items only, grievances at this stage will be decided **within 10 working days**.
- It is important to note that formal complaints respect the right and the privacy of the individual and all formal complaints **MUST** be lodged individually. Each student's circumstances are different and as such will be reviewed with the best interests of the individual in mind.

2.6.3 Stage 3 - Appealing the Original Decision – Internal Appeal

- If the Claimant is dissatisfied with the outcome of their complaint, they may lodge an internal appeal detailing the reasons for the appeal to the Director of Student Services and Campus Wellbeing **within 20 working days** of being informed of the decision.
- The College will commence assessment of the appeal **within 10 working days** of it being lodged, in accordance with this policy, and will finalise the outcome as soon as practicable. A written statement outlining the outcome of the appeal will be provided to the student, including reasons for the decision. The Director of Student Services and Campus Wellbeing is responsible for reviewing appeals relating to formal complaints and convening the *Appeals Committee* based on the appeal documentation. The Committee membership may include external members of the College's governing bodies, internal staff and a student representative. The Committee will meet to consider the appeal and may interview the complainant or other stakeholders in the course of its considerations.
- The College will maintain the student's enrolment while the internal and/or external appeals process is ongoing.

2.6.4 Stage 4 - External Independent Review

- Having completed stages 1 – 3 of the process as outlined above, claimants who are dissatisfied with the outcome of an internal appeal may make a written request to the Student Services and Learning Support for an independent external review of the decision **within 10 working days** of receipt of the final internal decision.
- The request for external review must be in English. The claimant needs to ensure that this request presents a substantial reason for an external review of the decision, and must include all documents relevant to the case so the external reviewer can get a full understanding of the complaint and appeal. It is not sufficient for the claimant to simply disagree with the decision and request an external reviewer. The written request needs to present new or additional information/evidence to support their case or to substantiate their argument as to why the original decision of the Appeals Committee did not comply with the College's policies, rules or procedures.
- All students have an avenue to appeal to the relevant Commonwealth, State or Territory Ombudsman, about administrative actions or decisions and the related processes, but only after all internal processes for resolution have been followed and concluded.
- The student may lodge an external review to:

For Domestic Students

a. **Australian Competition and Consumer Commission (ACCC)** at www.accc.gov.au

Students should refer to the Contact us page on the website for ACCC office locations and direct contact numbers. Students should refer to the fees charged information outlined on the website for contacting the 1300 number.

OR

b. **Student Mediation Scheme, Resolution Institute (formerly LEADR)**

The Resolution Institute administers the Student Mediation Scheme to provide educational and training institutions with an external appeals process. The Scheme allows a member educational and training institution or its student to refer to Resolution Institute as the external review body once their internal grievance system has been exhausted. Resolution Institute appoints a suitably qualified mediator, liaises between the parties as necessary and manages the process.

ACPE will bear part of the costs associated with the external mediation and dispute resolution process. The student will need to pay an application fee.

For more information contact the ACPE Student Services and Campus Wellbeing.

Visit <http://www.resolution.institute> or phone 1800 651 650 (freecall)

FEE-HELP Student: remission of fees only

c. **Administrative Appeals Tribunal**

If the claimant is not satisfied with a decision of the external reviewer that and it has implications for a FEE-HELP debt, the claimant has the right to apply to the Administrative Appeals Tribunal (AAT).

Students may be required to pay an application fee and should refer to the website provided. The Director of Student Services and Campus Wellbeing will provide to the claimant the contact details of the closest Administrative Appeals Registry and the approximate costs of lodging an appeal with the Administrative Appeals Tribunal (AAT).

Full details of the application process and fees payable are available on the AAT Registry's website: www.aat.gov.au

For International Students

If the student is studying in Australia on a student visa, they may lodge an external appeal to:

a. Overseas Student Ombudsman – non-academic matters only

The Overseas Students Ombudsman is a specialist role of the Commonwealth Ombudsman, who will provide the external complaints and appeals mechanism. The Overseas Students Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a non-academic decision made by their private education or training provider.

Visit <http://www.ombudsman.gov.au/about/overseas-students> or phone 1300 362 072 for more information.

OR

b. Student Mediation Scheme, Resolution Institute (formerly LEADR) – academic matters only

The Resolution Institute administers the Student Mediation Scheme to provide educational and training institutions with an external appeals process. The Scheme allows a member educational and training institution or its student to refer to Resolution Institute as the external review body once their internal grievance system has been exhausted. Resolution Institute appoints a suitably qualified mediator, liaises between the parties as necessary and manages the process.

ACPE will bear part of the costs associated with the external mediation and dispute resolution process. The student will need to pay an application fee.

For more information contact the ACPE Student Services and Campus Wellbeing.

Visit <http://www.resolution.institute> or phone 1800 651 650 (freecall).

2.7 Outcome of Complaints and Appeals Process

Should the outcome of the complaints and appeals process be in favour of the College, the College will implement any necessary action immediately.

If the complaints and appeals process results in a decision that supports the student, the College will immediately implement any decision and/or corrective or preventative action.

All outcomes will be communicated to students in writing.

2.8 Continuous Improvement

Any improvement action arising from a higher education student complaint or appeal will be recorded on the College's Continuous Improvement Register.

3 Definitions

- **Academic grievance** – a grievance about student academic progress, assessment, curriculum, the quality of course delivery, academic achievement in a course and awards in a course.
- **Appeal** - An application to a higher authority for a decision to be reversed.
- **Claimant** – refers to the person who formally instigates a grievance, complaint or appeal.
- **Complaint** – A statement that a situation is unsatisfactory.
- **Formal grievance** – refers to the formal lodging of a written grievance, complaint or appeal.
- **Grievance** – An official statement of a complaint over something believed to be wrong, which has resulted in what is believed to be by the Claimant, unfair treatment.
- **Informal grievance** – refers to a range of processes, such as discussion, a request or query lodged with an appropriate staff member.
- **Natural justice** – Natural justice refers to a due process that displays fairness to all parties. It includes the right to be heard, the right of reply, the right to be treated fairly and the right to be informed of allegation(s) being made.
- **Non-academic grievance** – a grievance about operational or administrative matters within the College, unfair treatment, abusive behaviours, concerns about facilities, environment and safety.
- **Respondent** – refers to the person or institution against whom the grievance is lodged.
- **Student** – is an individual person who is formally enrolled to study at the College. The individual person is that who appears on the College's documents such as enrolment, admission and payment documents, and who is assigned an individual student ID.
- **Support Person** – the student is entitled to be supported by another person, being willing to support, whom the student appoints to assist at any stage of the process.
- **Unfair treatment** – any treatment that the Claimant feels has been biased against them and has resulted in an outcome that would otherwise have been different, had the treatment been 'fair'. This usually means the Claimant feels discriminated against in some way.

- **Working Day** – a weekday (Monday to Friday) on which the College is open for business. This does not include national public holidays or College shutdown periods (e.g. Christmas holidays) as noted on the Student Calendar.

4 Related Documents

- Student Code of Conduct
- Academic Integrity Policy
- Academic Integrity Procedure
- Student Misconduct (Non-Academic) Policy
- Student Misconduct (Non-Academic) Procedure
- Complaints Form
- Appeals Form

Legislation:

- Higher Education Standards Framework 2015
- Tertiary Education Quality and Standards Agency Act 2011
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018
- [Privacy Act 1988 \(Cwlth\)](#)

5 Policy Administration

| Policy Name & Code: | | | Grievances, Complaints and Appeals Policy (POL-12) |
|--------------------------------|-----------------------|----------------|--|
| Policy Owner: | | | Director of Student Services and Campus Wellbeing |
| Approval Authority: | | | Academic Board (ACPE) |
| Date for Next Review: | | | May 2020 |
| Approval Date | Effective Date | Version | Summary of changes |
| 01 Mar 17 | 02 Mar 17 | 17 | Policy revised and fully harmonised, approved by the Academic Board on 02 March 2017. Effective Day 02 May 2017. |
| 11 Dec 18 | 12 Dec 18 | 18 | <ul style="list-style-type: none"> • Revision includes rebranding to apply to only ACPE, from former SGA harmonised Grievance Policy – Domestic Students - UG and Complaints and Appeals Policy – International – UG of 2016. • Policy title changed from <i>Grievance Policy – Domestic Students</i> to <i>Grievances, Complaints and Appeals Policy</i>. |

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| | | | <ul style="list-style-type: none"> • Content from <i>Complaints Policy – International</i> has been included in order to monitor one relevant document for both domestic and international students. • Content relevant to international students has been customised to include current activities, and revised to ensure it complies with the National Code of Practice. • Section 2.3 <i>Assurances</i> and 2.4 <i>Principles</i> added. • Section 2.1 - <i>Record Keeping and Confidentiality</i> has been updated to ensure compliance with HES 2.4. • Document format changed in line with the new document template for ACPE policies, procedures and ToRs. • Document content revised to reflect current ACPE practices to ensure compliance with the HES (st.2,4) • References to other SGA colleges have been removed. • Titles and responsibilities updated. • Changes made to document format include: <ul style="list-style-type: none"> - Old logo with references to Study Group removed. - Document code, version and dates moved to 'Document Administration' section. - Paragraphs numbered. - Previous 'Further Information Section' with references to related policies moved to new 'Related Documents' section. This section includes a list of related policies, procedures, and other documents. - Policy Administration table reformatted. - Numbering system updated. - Footer updated to include document title, document code, and document version only. • Table on Section 2.2 has been updated to include more relevant examples of academic matters. • Section 2.4 <i>Principles</i> has been added to this policy. |
| 14 Mar 19 | 14 Mar 19 | 18.1 | <ul style="list-style-type: none"> • References to Dean and Operations Director replaced with CEO and Dean. • References to Student Services and Learning Support Manager replaced with Director of Student Services and Campus Wellbeing. |
| 29. Apr 21 | 29 Apr 21 | 19 | <ul style="list-style-type: none"> • Third paragraph of section 2 of this policy has been reworded to make it clear that the policy is also in place to deal with any complaints, appeals and grievances regarding the College, its education agents and any third party the College has an agreement with to deliver students' courses or any related services. |

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| | | | <ul style="list-style-type: none"> Section 2.6.2 and section 2.6.3 of this policy have been reworded. The updated statements now read: <i>“The College will commence assessment of the formal complaint within 10 working days of it being made, in accordance with this policy, and will finalise the outcome as soon as practicable. The claimant will be provided with comprehensive written advice about the decision”.</i> <i>“The College will commence assessment of the appeal within 10 working days of it being lodged, in accordance with this policy, and will finalise the outcome as soon as practicable. A written statement outlining the outcome of the appeal will be provided to the student, including reasons for the decision.”.</i> Section 2.4.g (Procedural Fairness) of this policy has been slightly reworded to ensure it is evident that there is a process to determine that procedural fairness will be maintained where there is a conflict of interest between the complainant and the persons responsible for overseeing the process. The statement now reads: <i>“All parties involved in a grievance, a complaint or an appeal must be given the right to be heard; the right to be treated without bias; and for a decision that is based on evidence. Where there is a conflict of interest between the complainant and the ACPE Director of Student Services and Campus Wellbeing, an alternative delegate will be appointed to oversee the process”.</i> ACPE has entered into an agreement with the Resolution Institute so that overseas students can access external dispute resolution for grievances about the quality of the education provider and academic grievances at little cost, as the Overseas Student Ombudsman does not deal with academic grievances. Details can be found on section 2.6.4.b of the Policy. |
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* Unless otherwise indicated, this policy will still apply beyond the review date.