



# **Student Complaints and Appeals Policy and Procedure**

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## 1. PURPOSE

This *Student Complaints and Appeals Policy and Procedure* are intended to ensure that any student grievances and complaints at the Australis Business School (“Australis”) are addressed effectively and resolved promptly with sensitivity to all parties and in accordance with the principles of procedural fairness. The purpose is to ensure that Australis provides an open and transparent framework for students to pursue grievances and complaints, as well as ensuring that natural justice is given to both the complainant and respondent, and that neither party to a grievance or complaint is victimised or discriminated against. This policy and procedure is not to be used for any matters related to sexual assault or sexual harassment. For matters related to sexual assault or sexual harassment, refer to the *Sexual Assault and Sexual Harassment Prevention and Management Policy and Procedure*.

## 2. SCOPE

This policy and procedure apply to all Australis students, including prospective, current and past students, for all academic and non-academic issues. They also apply to Australis staff, including academic and professional staff, and Academic Board (AB) and committee members, both internal and external, as well as independent contractors and consultants who directly or indirectly cause a grievance or complaint to be raised or who handle complaints.

This policy and procedure is not to be used for any matters related to sexual assault or sexual harassment. For matters related to sexual assault or sexual harassment, refer to the *Sexual Assault and Sexual Harassment Prevention and Management Policy and Procedure*.

## 3. DEFINITIONS

See the *Australis Glossary of Terms* for definitions.

## 4. POLICY PRINCIPLES

Australis is committed to the following principles for resolving student grievances and complaints:

- All student grievances, complaints and appeals will be resolved objectively, promptly and consistently with sensitivity and complete confidentiality.
- Australis will establish a student-centred complaint management process that helps the School to prevent grievances and complaints from recurring.
- The views of all complainants and respondents will be respected and no party to a complaint will be victimised or discriminated against.

- Australis will develop a culture within the School that views grievances and complaints as opportunities to improve the operations and the organisation.
- Grievance and complaint management processes will ensure that students and staff understand their rights and their responsibilities, including the right to have a support person present at any interview or proceeding.
- All parties must be cordial, considerate and treat each other with respect. Threatening or intimidating behaviour will not be permitted.
- Staff subject to the complaint or appeal must be excluded from the investigation or review.
- Priority will be given to the informal resolution of grievances and complaints, where appropriate, to achieve a prompt resolution.
- An utmost level of confidentiality will be maintained during all exchanges of information, except where the release of information is required by law.
- There will be no cost to the student relating to internal grievance management or internal review processes. Costs for an external appeal will also be paid by Australis.
- There will be no change in a student's enrolment while a grievance and complaint process is ongoing. Students will continue their studies as normal during the grievance and complaint process, except in circumstances where their health, safety or wellbeing is potentially at risk or where the student may pose a risk to the health, safety or wellbeing of others.

## 5. TYPES OF STUDENT GRIEVANCE OR COMPLAINT

Student grievances and complaints may be academic or non-academic.

### **Academic grievance or complaint**

Academic grievances or complaints are about the delivery of a student's enrolled units at Australis. Examples include, but are not limited to, disappointment with the content of a unit, design or delivery of a unit, clarity of an assessment item, equipment, resources or materials required or recommended for a unit or feedback provided by an academic staff member.

Students may also appeal against an outcome of an academic misconduct investigation (refer to the *Academic Integrity and Misconduct Policy and Procedure*).

### **Non-academic grievance or complaint**

Non-academic grievances or complaints are about non-academic decisions made by Australis, usually by professional staff, or about facilities and services provided by Australis. Examples of non-academic grievances or complaints include, but are not limited to, issues with admission, enrolment, refund requests, imposed penalties for non-payment or late payment of fees, Australis's facilities or services such as support services, library borrowing or building access, management of student personal information or Australis's health and safety management.

Non-academic grievances or complaints may also be about unfair treatment by another member of the Australis community, which may include, but is not limited to, bullying, harassment, discrimination, vilification or victimisation.

## 6. PROCEDURES

At Australis student grievances and complaints, including bullying, sexual harassment and unlawful discrimination, and racial and religious vilification, are viewed with the utmost seriousness and treated confidentially. Grievances and complaints are handled by as few people as possible in order to ensure confidentiality. The complainant and the respondent will be advised that they are not to discuss the complaint with others and that there is to be no victimisation of other parties.

Australis will respond to any complaint or appeal the student makes regarding their dealings with Australis, Australis's education agents or any related party that Australis has an arrangement with to deliver the international student's course or related services.

Australis's approach to grievance and complaint resolution is consistent with the principles of this policy and procedure, and will generally involve the following steps:

### Step 1: Informal complaint

- It is advisable that students, wherever possible, try to resolve concerns through discussion between the complainant and the person responsible for the decision or behaviour that is the reason for the student's complaint.
- All academic and professional staff at Australis are available to assist students to resolve their concerns at this level.
- Any staff member who is informally approached with a grievance or complaint has an obligation to respond to the grievance and the complainant with an acknowledgement of receipt of the complaint within five (5) business days of receiving it.
- This staff member will also organise a time to discuss the issue with the complainant and the respondent, either face to face or over the phone.
- It will be established which relevant rules, requirements, policies and procedures have a bearing on the complaint. Issues that can be agreed on and those where there is a difference in opinion will also be discussed.
- After a complaint has been raised, it is the responsibility of both parties to try to resolve the issue in a courteous and respectful manner. The respondent will provide a response within five (5) business days to the staff member.
- The complainant will receive notification of the respondent's response from the staff member and the informal complaint will be resolved within ten (10) business days of the matter being raised.

- Outcomes of the informal complaint will be documented in writing, including the decisions, the reasons for the outcome and the agreed actions, and will be provided to both the complainant and the respondent.

In some circumstances students may not feel comfortable to raise their complaint directly with the person who is the subject of the complaint. Therefore, there is no obligation to resolve complaints informally. Students may request a formal complaint as the next step in the grievance and complaint resolution process.

## **Step 2: Formal complaint**

- If the complainant student is not satisfied with the initial decision regarding the issue or the issue cannot be resolved informally, a formal complaint must be submitted by completing the Student Complaints and Appeals Form to the Student Administration and Support Officers. The form must include relevant facts and supporting documents, and must specify the resolution the student is seeking.
- The Student Administration and Support Officers will check that all evidence and supporting documents are included with the complaint form, inform the student that the complaint has been received and refer the case to the Course Co-ordinator (for complaints of an academic nature) and refer the case to the Administration and HR Manager (for non-academic complaints) for investigation within five (5) business days of receiving it. Where the Course Co-ordinator is the subject to the complaint, the Dean will appoint a person with the appropriate experience to carry out the investigation. Where the Administration and HR Manager is the subject to the complaint, the Chief Executive Officer will appoint a person with the appropriate experience to carry out the investigation.
- All reasonable measures will be taken by the Course Co-ordinator (for complaints of an academic nature) or the Administration and HR Manager (for non-academic complaints) to resolve the complaint. The Course Co-ordinator or the Administration and HR Manager may pursue enquiries to confirm the potential outcome that the complainant is seeking.
- Assessment of the complaint will commence within 10 working days of it being received and Australis will aim to finalise the outcome as soon as practicable.
- The respondent will be notified of the nature of the complaint made and will be asked to clarify any explanation given.
- The Course Co-ordinator or the Administration and HR Manager will provide feedback to the complainant about the respondent's explanation. This may involve a face-to-face interview with the complainant and may require that either or both parties or witnesses provide written comments.
- The complainant and the respondent are allowed to bring a support person to accompany them to such interviews.
- A record of the discussion and the agreed actions will be created by the Course Co-ordinator and shared with the complainant to check for accuracy.

- A written notification to the complainant will be provided by the Course Co-ordinator or the Administration and HR Manager within twenty (20) business days with the outcome of the formal complaint. This notification must include the reasons for the outcome and any steps taken to resolve the complaint.
- If for some reason the investigation takes longer, the Course Co-ordinator or the Administration and HR Manager will advise the complainant of this in writing.
- If the formal complaints process results in a decision in favour of the student, the Course Co-ordinator or the Administration and HR Manager will immediately implement any decision or required corrective action.
- The complainant will be notified in writing of the action taken. The Course Co-ordinator or the Administration and HR Manager will also advise the complainant about their right to appeal if the complainant feels the grievance remains unresolved after the formal complaints process.
- For academic complaints:
  - The Course Co-ordinator collates data regarding student complaints and provides a report to the Dean.
  - The Dean considers the Course Co-ordinator's report and will provide a report to the AB which will include:
    - summary of de-identified formal complaints received during the previous semester and an analysis of trends;
    - information on the quality and timeliness of complaint handling;
    - identification of serious complaints and systemic issues;
    - information concerning policy and/or procedural or other changes that may have been made in response to complaints; and
    - recommendations for improvements.
  - The AB will provide a report to the BoD after the review of the Dean's report and data from previous reports relating to complaints to ascertain what may address underlying causes of student complaints, including recommendations for improvement.
- For non-academic complaints:
  - The Administration and HR Manager collates data regarding student complaints and provides a report to the Chief Executive Officer (CEO)
  - The CEO will provide a report to the BoD after reviewing the Administration and HR Manager's report. The CEO report to the BoD will include:
    - summary of de-identified formal complaints received during the previous semester and an analysis of trends;
    - information on the quality and timeliness of complaint handling;
    - identification of serious complaints and systemic issues;
    - information concerning policy and/or procedural or other changes that may have been made in response to complaints; and
    - recommendations for improvements.

- The BoD receives a report from the AB (on academic matters) and the CEO (on non-academic matters) and is ultimately responsible for:
  - Monitoring the occurrence and nature of formal complaints, allegations of misconduct, breaches of academic integrity and critical incidents.
  - Ensuring action is taken to address underlying causes of formal complaints, allegations of misconduct, breaches of academic integrity and critical incidents.

### **Step 3: Internal appeal**

- If the complainant believes the results of the formal complaints process to be unfair or incorrect and is not satisfied with the outcome, they may appeal for a review within twenty (20) business days of receiving the written outcome of their formal complaint.
- An appeal must be made by again completing the Student Complaints and Appeals Form and submitting it to the Student Administration and Support Officers. The form must include relevant facts, additional information and all supporting documents.
- The Student Administration and Support Officers will check that all evidence, additional information and supporting documents are included with the form, notify the student that the appeal has been received and refer the case to the Dean for investigation within five (5) business days of receiving it. Where the Dean is the subject to the complaint, the Chief Executive Officer will appoint a person with the appropriate experience to carry out the investigation. Assessment of the appeal will commence within 10 working days of it being received and Australis will aim to finalise the outcome as soon as practicable.
- The appeal must lay out the grounds for the appeal and supporting evidence must be supplied in addition to any new information that was not previously given in support of the complaint.
- The Dean will have access to all relevant information in order to investigate the appeal. The complainant and the respondent will be entitled to present verbal or written evidence and may bring a support person to accompany them during this process.
- A written notification to the complainant will be provided by the Dean within twenty (20) business days with the outcome of the internal appeal, including the reasons for the outcome.
- If for some reason the investigation of the appeal is taking longer, the Dean will advise the complainant of this in writing.
- If the internal appeal procedure results in a decision in favour of the complainant, the Dean will immediately implement any decision or required corrective action.
- The complainant will be notified in writing of the action taken.
- The Dean will also advise the complainant in writing about their right to appeal if the complainant feels the grievance remains unresolved after the internal appeal process.

### **Step 4: External appeal**



If the complainant believes the outcome of the internal appeal to be unfair or incorrect and is not satisfied with the result, they may lodge an external review or complaint.

Australis will advise the student within 10 working days of concluding the internal review, of the student's right to access an external complaints handling and appeals process at no cost.

The complainant has the following options:

**A. Resolution Institute**

- For a review of the decision, the student may seek, first, *mediation* of the decision through the Resolution Institute's Student Mediation Scheme and further, if unsuccessful, *expert determination* through the Resolution Institute's Expert Determination Scheme, both at no cost to the student.
- If the mediation is successful to the student's satisfaction, then Australis will complete any actions following resolution within twenty (20) business days. Any delay will be explained to the student and a further time for completion will be provided.
- Failing a satisfactory mediation outcome to the student, they may opt to further pursue expert determination with the Resolution Institute, which can be chosen when the student's dispute is technical or specialised and they want an independent expert to make a decision for them.
- Australis will pay for these processes at no cost to the student and Australis will be bound by the determination made by the Resolution Institute.
- Further details about each process can be found on the website of the Resolution Institute at <https://www.resolution.institute/>

**B. Further options**

Alternatively to the external appeal processes outlined above, students may consider options for making complaints to a relevant regulator or other body in relation to any complaint about Australis's decision-making or other relevant processes. Some options include, but are not limited to, those outlined in the table below:

Type of complaint	External agency	Contact details
Higher Education Standards, ESOS and National Code compliance	TEQSA	Website: <a href="http://www.teqsa.gov.au/complaints">http://www.teqsa.gov.au/complaints</a>
Discrimination, sexual harassment, victimisation, vilification	Australian Human Rights Commission  Victorian Equal Opportunity and	Website: <a href="https://humanrights.gov.au/complaints">https://humanrights.gov.au/complaints</a>

	Human Rights Commission	Website: <a href="https://www.humanrights.vic.gov.au/">https://www.humanrights.vic.gov.au/</a>
Privacy breaches, refunds	Victorian Civil and Administrative Tribunal (VCAT)	Website: <a href="https://www.vcat.vic.gov.au/">https://www.vcat.vic.gov.au/</a>
FEE-HELP/HECS-HELP, intellectual property rights, matters relating to competition and consumer legislation	Administrative Appeals Tribunal  Australian Competition and Consumer Commission (ACCC)	Website: <a href="https://www.aat.gov.au/">https://www.aat.gov.au/</a>  Website: <a href="https://www.accc.gov.au/">https://www.accc.gov.au/</a>
Refunds, contracts such as Letter of Offer, terms and conditions of enrolment	Consumer Affairs Victoria	Website: <a href="https://www.consumer.vic.gov.au/">https://www.consumer.vic.gov.au/</a>
Campus safety	WorkSafe Victoria	Website: <a href="https://www.worksafe.vic.gov.au/">https://www.worksafe.vic.gov.au/</a>

## 7. WITHDRAWAL OF A GRIEVANCE, COMPLAINT OR APPEAL

A student may withdraw a complaint or appeal at any time during the resolution process. The withdrawal must be made in writing. The student will receive a written acknowledgement of their withdrawal of the complaint or appeal. The matter will then be concluded and deemed to be resolved.

## 8. CONFIDENTIALITY AND RECORD-KEEPING

All records, outcomes, decisions and dealings associated with a grievance or complaint under this policy and procedure, and any appeals arising from this, are confidential and will be managed in accordance with Australis's *Records and Information Management Policy* and *Privacy Policy*. Records will be dated, signed and stored for a period of at least five (5) years.

## 9. REVIEW

The Australis AB will review and approve this policy and procedure.

This policy and procedure will be implemented through staff induction and training, and through distribution to students and Australis's wider community via the Australis website and other publications.



## 10. Related Documents, External References and Version Control

### 10.1 Related/Referenced Documents

- Aboriginal and Torres Strait Islander Peoples Education Policy
- Academic Integrity and Misconduct Policy and Procedure
- Admission and Student Selection Policy and Procedure
- Assessment Policy and Procedure
- Bullying, Discrimination and Harassment Prevention and Management Policy and Procedure
- Conflict of Interest Policy
- Credit and RPL Policy and Procedure
- Equity and Diversity Policy
- Facilities, Resources and Infrastructure Policy
- Feedback Policy and Procedure
- Health and Safety Policy
- Privacy Policy
- Records and Information Management Policy
- Resource Access and Usage Policy
- Student Enrolment and Enrolment Variation Policy and Procedure
- Student Orientation and Transition Policy and Procedure
- Student Welfare, Wellbeing and Support Policy and Procedure
- Sexual Assault and Sexual Harassment Prevention and Management Policy and Procedure

### 10.2 Related Legislation and External References

- Higher Education Standards Framework 2021
- Tertiary Education Quality and Standards Agency (TEQSA) Act 2021
- Education Services for Overseas Students (ESOS) Act 2000 (Cth)
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (National Code)

### 10.3 Version Control

Version	Date	Reviewed/approved by	Key notes/changes

0.1	12/01/23	Learning and Teaching Committee (LTC)	Overview section removed and other minor editorial changes made.
0.2	02/02/23	LTC	Reviewed and improved with minor editorial changes.
0.3	23/02/23	Academic Board (AB)	Approved at the 23/02/23 AB meeting with minor changes.
0.4	21/03/24	AB	Updated based on 21/03/24 AB meeting and AB member input. Added reference to <i>Sexual Assault and Sexual Harassment Prevention and Management Policy and Procedure</i> .
0.5	04/04/24	AB	Further input from AB 04/04/24 incorporated.
0.6	11/04/24	AB	Reviewed and approved at the AB 11/04/24 meeting.
0.7	16/07/24	AB	Campus address updated and minor editorial improvements made. Reviewed and approved at the AB 16/07/24 meeting.
0.8	26/07/24	Board of Directors (BoD)	Reviewed and approved at the 26/07/24 meeting.
0.9	13/09/24	AB	Reviewed and approved at the AB 13/09/24 meeting.
1.0	16/09/24	BoD	Reviewed and approved at the BoD 16/09/24 meeting.

## 10.4 Document Review

To be reviewed at least five (5) years from the date of final approval.