



## Student Complaint and Appeal Procedure

<b>Policy supported</b>	Student Complaint and Appeal Policy
<b>Procedure Code</b>	ACA-HE-03
<b>Procedure owner</b>	Executive Dean
<b>Responsible Officer</b>	Executive Dean
<b>Approving authority</b>	Executive Dean
<b>Contact Officer</b>	Registrar
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<b>Commencement date</b>	20 July 2017
<b>Review Date</b>	3 years
<b>Version</b>	2017.2
<b>Related Documents</b>	Assessment Request for Review Form Management of Personal Information Policy Notice of Appeal Form Records Management Policy Student Admission Policy Assessment Appeal Policy Assessment Appeal Procedure Student Complaint Application Form Student Complaint and Appeal Policy Student Handbook

### 1. Purpose

The purpose of this Procedure is to outline the protocols associated with the **Student Complaint and Appeal Policy**, which ensures that the Institute responds effectively, expeditiously and equitably to cases of dissatisfaction.

### 2. Scope

The Procedure can be utilised by students and those seeking to enrol in a course of study with the Institute, to submit a complaint of an academic or non-academic nature. It will be made available to students and those seeking to enrol with the Institute, regardless of the location of the campus at which the complaint has arisen, the mode in which they study, or their place of residence. If the student chooses to utilise this Procedure, the Institute will maintain the student's enrolment while the complaint and appeals process is ongoing.

Complaints of an academic nature include matters related to student progress, assessment, curriculum and awards in a course of study. Complaints of a non-academic nature include all other matters.

During all stages of this Procedure, the Institute will take all steps to ensure that:

- The complainant and any respondent have the opportunity to present their case at each stage of the Procedure.
- The complainant and any respondent have the option of being accompanied/assisted by a third person (such as a family member, friend or counsellor) if they so desire.
- The complainant is entitled to ask for assistance in the form of a translator/interpreter at any time during the process.
- The complainant and any respondent will not be victimised or discriminated against.
- At all stages of the process, discussions relating to complaints and appeals will be recorded in writing. A full explanation in writing for decisions and actions taken as part of this Procedure will be provided to the complainant and/or any respondent if requested.

Students should continue their studies as usual during the complaint procedure, except in circumstances where their health or safety is potentially at risk, or where the student poses a health or safety risk to others.

There is no cost to the complainant for utilising the internal stages of this complaint and appeals process. Costs for an external appeal will be shared equally by the Institute and the complainant.

Nothing in the ***Student Complaint and Appeal Policy*** and associated Procedure limits the rights of students or persons seeking to enrol with the Institute to take action under Australia's Consumer Protection laws. The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other higher education provider policies or under statute or any other law. In addition, these dispute resolution procedures do not circumscribe an individual's rights to pursue other legal remedies.

### 3. Definitions

See the ***AIH Glossary of Terms*** for definitions.

## 4. Actions and Responsibilities

### 4.1 Before an Issue Becomes a Formal Complaint

Students (or persons seeking to enrol with the Institute) are encouraged, wherever possible, to resolve concerns or difficulties directly with the person(s) concerned. Academic Staff, Administration Staff and Student Support Officers are available to assist students resolve their issues at this level. This step is not mandatory and a student may proceed directly to the Formal Complaint Procedure.

### 4.2 Reviews of Assessment Decisions

A process for requesting a review of an assessment decision forms part of the ***Assessment Appeal Policy***. Students should utilise this process in the first instance if they wish to have an assessment decision reviewed. Students who remain dissatisfied with the outcome of the review of their assessment decision may then utilise the ***Student Complaint and Appeal Procedure***.

### 4.3 Stage One – Formal Complaint

Formal complaints (excluding those relating to assessment results or appeals against the cancellation of the Confirmation of Enrolment (CoE) for International students) must be submitted by completing the ***Student Complaint Application Form*** within 10 working days of the incident in writing and submitting to Student Services.

Any formal complaints relating to assessment results must be submitted within 5 working days of formal notification of the assessment result (refer to the ***Assessment Appeal Policy*** for further information). Students wishing to request a review of an assessment should complete the ***Assessment Request for Review Form***.

Where the complaint relates to International students having their CoE cancelled at the Institute due to not completing their course in the required timeframe, or not making satisfactory academic progress, the student will be notified in writing that they have 20 working days to access this Procedure.

When lodging a complaint, students should include the following information in their submission:

- Details of the course/subject and study period,
- A summary of the issues relating to the complaint,
- Supporting evidence, including any evidence of attempts to resolve the complaint informally, and
- The outcome being sought.

The Executive Dean, or his/her nominee, will commence an investigation of the complaint and notify the complainant of receipt of the complaint within 5 working days of formal lodgment. The Executive Dean, or his/her nominee, will take all reasonable measures to resolve the complaint as soon as practicable. The Executive Dean, or his/her nominee, will, if necessary, seek to clarify the outcome that the complainant hopes to achieve. Such clarification may be sought by written request or by a face-to-face interview with the complainant. When such clarification occurs in a face-to-face interview, the complainant will have an opportunity to formally present his/her case. The complainant or the respondent may ask for a support person to accompany them to any such meeting.

The Executive Dean, or his/her nominee, will then provide a written notification to the complainant within 20 working days with the outcome of the formal complaint and any steps taken to address the complaint. If for some reason the investigation or determination takes longer, the student will be advised in writing.

The complainant will be advised of their right to access Stage Two of this Procedure if they are not satisfied with the outcome of Stage One.

If this stage of the complaint handling process results in a decision that supports the student, the Institute's Executive Dean or his/her nominee will immediately implement any decision and/or corrective and preventative action required, and advise the student of the outcome.

#### 4.4 Stage Two - Appeal

If a complainant is dissatisfied with the outcome of their formal complaint, they may lodge an appeal by completing the **Notice of Appeal Form** within 10 working days of the determination being made. The appeal must set out the grounds for the appeal and any supporting evidence should be provided along with any new information not previously provided in support of the complaint.

The appeal will be sent to the Chair of the Appeals Committee who will decide whether to grant or dismiss the application within 20 working days of lodgement.

If the Chair of the Appeals Committee believes there are no grounds for appeal, or the appeal is lacking in substance or is frivolous, the appeal will be dismissed. Where an appeal application is dismissed, complainants will receive written notification within 20 working days of lodging the appeal. The complainant will be informed of further appeal avenues.

If an appeal is dismissed by the Chair of the Appeals Committee without going before the Appeals Committee, the complainant has the right to appeal to the Appeals Committee to have their case heard. In this instance, the Chair of the Appeals Committee will be replaced by an independent member of the Academic Board who was not originally involved in the appeal. Where the Appeals Committee dismisses the appeal, the complainant will receive written notification within 20 working days of lodging the appeal. The complainant will be informed of further appeal avenues.

Where the Chair of the Appeals Committee decides to grant the appeal application, the Chair will provide a written notification to the complainant within 20 working days, advising the complainant of the outcome of the appeal and outlining any further steps taken to address the complaint.

If the Chair of the Appeals Committee requires further information to finalise a decision on the appeal, the Chair will convene the Appeals Committee for a hearing.

#### **The Appeals Committee**

The Appeals Committee will consist of the Chair (who may be the Chair or a member of the Academic Board) and a member of the Academic Board. The complainant will be notified via email of the hearing date within 10 working days of submitting their appeal. Where possible, the appeal hearing should take the form of a face-to-

face interview. The complainant will have an opportunity to formally present his/her case during the appeal hearing and answer any questions the Appeals Committee may have. The complainant or the respondent may ask a support person to accompany them to these interviews.

Following the appeal hearing, the Chair of the Appeals Committee, or his/her nominee, will provide a written report to the complainant within 20 working days, advising the complainant of the outcome of the appeal and outlining any further steps taken to address the complaint

The complainant will be advised of their right to progress to Stage Three of the complaint Procedure if they consider the matter unresolved.

If this stage of the complaint handling process results in a decision that supports the student, the Institute's Executive Dean or his/her nominee will immediately implement any decision and/or corrective and preventative action required and advise the student of the outcome.

## 4.5 Stage Three – External Review

### **Domestic students:**

If the Complainant is not satisfied with the outcome of their appeal, then an independent mediator can be requested through the Resolution Institute (LEADR/IAMA). Complainants can contact the Resolution Institute directly as follows:

Address: Level 1 and 2, 13-15 Bridge Street, Sydney NSW 2000

Phone: 02 9251 3366

Freecall: 1800 651 650

Fax: 02 9251 3733

Email: [infoaus@resolution.institute](mailto:infoaus@resolution.institute)

Costs of such mediation will be shared equally by the Institute and the complainant. As a guide mediator's costs would be \$440 for the first four hours (or part thereof). Subsequent hours would be \$165 per hour. It is common for most disputes to be resolved within the initial four-hour allocation.

The Institute will give due consideration to any recommendations arising from the external review of the complaint within 30 days of receipt of the recommendations and the Executive Dean or his/her nominee will ensure that they are fully implemented.

### **International students:**

If an international student is dissatisfied with the outcome of their internal appeal, then they can access an external appeals process through the Overseas Students Ombudsman at no cost. The Overseas Students Ombudsman offers an independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their training provider. Refer to the Overseas Students Ombudsman website <http://www.oso.gov.au> or phone 1300 362 072 for more information.

The Institute will give due consideration to any recommendations arising from the external review of the complaint within 30 days of receipt of the recommendations, and the Executive Dean or his/her nominee will ensure that they are fully implemented.

### **Further Action:**

If a complaint still remains unresolved after the external dispute resolution process, the complainant may decide to refer the matter to an external agency such as The Anti-Discrimination Board or The Office of Fair Trading.

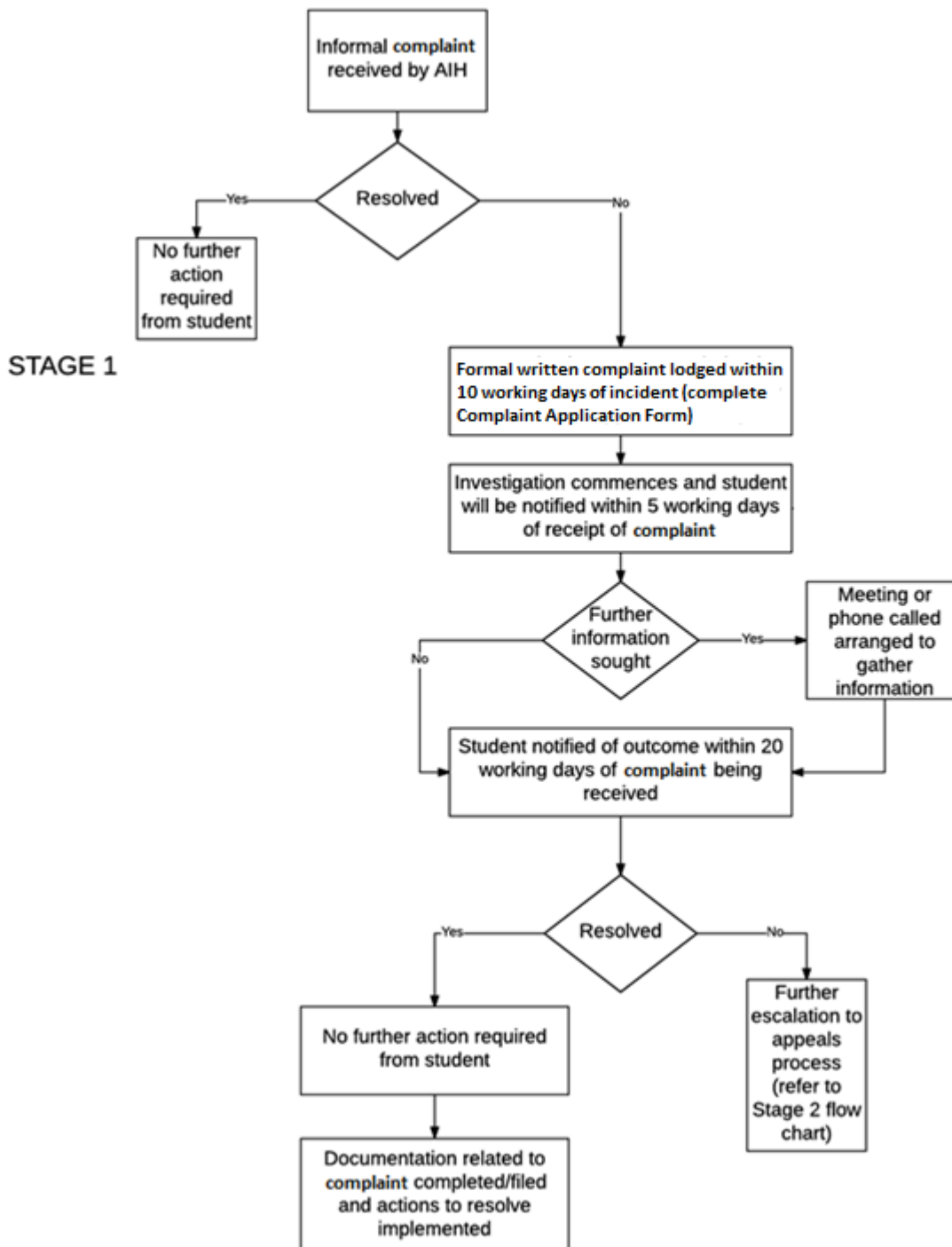
For complaints relevant to a the Institute's compliance with the Higher Education Threshold Standards or the TEQSA Act, students may wish to lodge a complaint with the Tertiary Education Quality and Standards Agency (TEQSA). For further information, please go to the TEQSA website: <http://www.teqsa.gov.au/complaints>.

## 4.6 Record keeping and Confidentiality

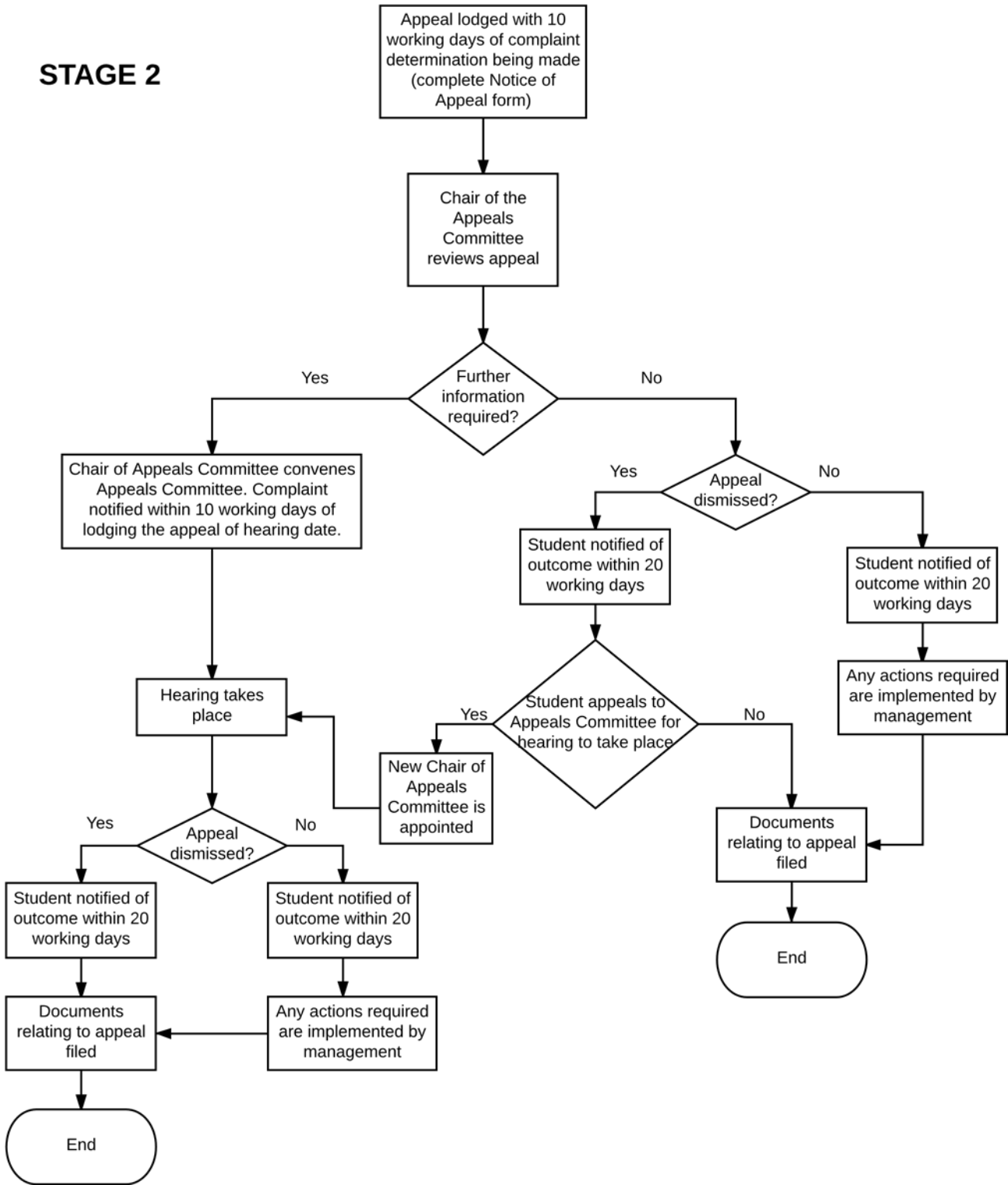
Records of all complaints handled under this Procedure and their outcomes shall be maintained for a period of at least 5 (five) years to allow all parties to the complaint appropriate access to these records, upon written request to the Executive Dean.

All records relating to complaints will be treated as confidential and will be covered by the Institute's **Records Management Policy** and **Management of Personal Information Policy**.

## 4.7 Complaint and Appeals Procedure Flow Chart



**STAGE 2**



## 5. Version Control

This Procedure has been endorsed by the Australia Institute of Higher Education Executive Dean as at July 2017 and is reviewed every 3 years. The Procedure is published and available on the Australian Institute of Higher Education website <http://www.aih.nsw.edu.au/> under 'Policies and Procedures'.

<b>Change and Version Control</b>				
<b>Version</b>	<b>Authored by</b>	<b>Brief Description of the changes</b>	<b>Date Approved:</b>	<b>Effective Date:</b>
2016-2	Registrar	Updated template.	6 July 2016	6 August 2016
2017-1	Ms. McCoy	Content updated.	22 February 2017	6 March 2017
2017-2	Registrar	Included TEQSA as an avenue for appeal. Updated appeals process.	19 July 2017	20 July 2017