

## STUDENT GRIEVANCES, COMPLAINTS AND APPEALS, PROCEDURE

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<b>Parent Policy</b>	Student Grievances, Complaints and Appeals Policy		
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<b>Governing Authority</b>			
<b>Responsible Officer</b>	Manager Student and Academic Services		
<b>Related Documents</b>	Academic Progress, Enrolment and Graduation Policy Academic Progress Procedure Admissions Policy (and related Procedure) Assessment Policy (and related Procedure) Credit and Recognised Prior Learning Policy (and related Procedure) Records Management Policy (and related Procedure) Higher Education Standards Framework (Threshold Standards) 2015 (TEQSA Act 2011) Complaint handling at universities: Australasian best practice guidelines March 2016 Education Services for Overseas Students Act (ESOS Act) 2000 National Code of Practice for Providers of Education and Training to Overseas Students 2018		

*\* Unless otherwise indicated, this Procedure will still apply beyond the review date.*

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## **1. PURPOSE**

1.1 The Student Appeals, Complaints and Grievances Procedure sets out the steps to resolve student complaints, grievances and appeals in support of Adelaide Institute of Higher Education's (AIHE's) Student Appeals, Complaints and Grievances Policy.

## **2. SCOPE**

2.1 This Procedure will be followed by students, former students, prospective students and staff for managing complaints and appeals about academic, non-academic or administrative matters at AIHE.

## **3. STAGE 1 – INFORMAL RESOLUTION**

3.1 Informal resolution at the local level is the preferred option for resolving grievances. However, some matters may not be suitable for local level resolution, for example if a student is reported for plagiarism, in which case go straight to Stage 2.

3.2 Students are encouraged to resolve issues informally in the first instance by directly approaching the person or persons concerned, within five (5) working days of the issue occurring. If a student feels unable or uncomfortable about approaching the person, they can raise their issue with the Student Support Officer, who can help the student speak to a staff member about their issues/concerns.

3.3 A staff member will attempt to resolve the student's grievance and will notify the student of the outcome within five (5) working days of receipt of the grievance. Staff may seek advice from other AIHE staff if required. Staff must inform the Student Support Officer as soon as practicable where the matter is not suitable for informal resolution.

3.4 If not satisfied with the outcome, the student may lodge a formal complaint in writing to AIHE.

## **4. STAGE 2 – FORMAL COMPLAINT**

4.1 If a student is not satisfied with the result of the informal resolution process or if the issue is not suitable for informal resolution, the student can lodge a complaint by completing AIHE's Student Complaint Form and submitting it online or by writing to AIHE within 20 working days.

The Student Support Officer is available to help students with lodging a complaint. A complaint lodged after the deadline will not normally be accepted unless the student can demonstrate unexpected or extenuating circumstances that prevented them from submitting by the deadline.

4.2 AIHE will issue the student within an acknowledgement of receipt of the formal complaint and advise of the timeframe for review of the complaint in writing within five (5) working days.

4.3 AIHE will commence assessment of the complaint within ten (10) working days of receipt of the complaint and will finalise the outcome as soon as practicable.

4.4 The Head of School in cases of academic matters and the General Manager in cases of non-academic and administrative matters is responsible for considering the complaint, including all relevant documentation, and finalising the outcome as soon as practicable, and no longer than 20 working days from receipt of the complaint.

4.4.1 The Head of School and General Manager will handle all formal complaints without prejudice and document all actions taken to investigate and resolve the matter.

4.4.2 Where there may be a conflict of interest, the Student Support Officer will advise the Manager Student and Academic Services, who will determine an appropriate alternate process in consultation with the Chair, Academic Board for academic matters or Chair, Council for non-academic and administrative matters.

4.5 Where a face-to-face meeting is held for the student to have an opportunity to formally present their case, the student may ask for a support person to accompany them to the meeting. The support person should not be a legal practitioner acting in a professional capacity.

4.6 AIHE will notify the student in writing of the outcome within five (5) working days of the decision being made and include in the notification advice that the student has a right to appeal the decision within 20 working days from the date of the letter of notification. The student will also be provided a full explanation of the decision in writing.

4.6.1 If for some reason resolution of the complaint takes longer than 20 working days, the student will be advised in writing of progress, the reasons for the delay and the expected timeframe to come to a decision.

4.7 AIHE will immediately implement any decision and/or corrective and preventative action required when the outcome is a decision that supports the student and will advise the student in writing of that action.

## **5. STAGE 3 – APPEAL - STUDENT APPEALS COMMITTEE**

5.1 If a student is not satisfied with the outcome of their formal complaint, they may appeal in writing to the Student Appeals Committee by completing the Notice of Appeal Form and lodging it with the Manager Student and Academic Services not more than 20 working days after the date of notification of the decision. All required documentation and evidence must be supplied with the appeal lodgement.

5.2 The appeal to the Student Appeals Committee must provide genuine reasons for seeking review of the decision and contain evidence that there are grounds for appeal.

Grounds for appeal are:

- a) New evidence – not known to the student at the date of the decision being appealed, which becomes apparent after the date of that decision;
- b) Irregularity of procedure in the recommending and/or making of the decision appealed against.

AIHE will not alter a decision merely on the grounds that the student disagrees with it. In applying for the review or appeal of a decision, the student bears the onus of proof and is responsible for establishing that the decision in the first instance was an unreasonable one.

5.3 AIHE will issue the student within an acknowledgement of receipt of the appeal and advise of the expected timeframe for review of the appeal in writing within five (5) working days.

5.4 When an appeal is received, within five (5) working days of receipt of the appeal the Manager Student and Academic Services will:

- Check that the documentation is correctly completed and contains all required supporting evidence;
- Liaise with the student if any errors of documentation require correction; and
- Contact Chair of Academic Board to confirm their availability to Chair the Student Appeals Committee or to nominate another member of Academic Board to Chair.

5.5 The Chair of the Student Appeals Committee will commence assessment of the appeal within ten (10) working days of it being made and will determine if the matter is eligible for appeal to the Student Appeals Committee against the criteria specified in clause 5.2.

Where the eligibility criteria are deemed:

- To have been met, arrangements will be made to convene the Committee to hear the appeal; or
- Not to have been met, the student's request for a hearing will be denied and the student will be advised in writing within five (5) working days of this decision. The decision notification will explain the reasons for the decision and advise the student of their right to seek an external review of the decision.

5.6 Where the Student Appeals Committee is to be convened, members and a secretary to the Committee will be appointed as detailed in Section 7 below.

5.7 The Student Appeals Committee will give an opportunity to the student and to the person against whom the appeal is made to appear before it to present their case. The student may nominate another person to speak on their behalf. The person should not be a legal practitioner acting in a professional capacity.

5.8 The secretary of the Committee will:

- Call a meeting of the Student Appeals Committee as soon as practical for Committee members, the student and the person against whom the appeal is made (hereafter 'the relevant parties'); and
- Give at least five (5) days notice of any meeting of the Committee, in writing, delivered to all relevant parties, stating the time and place of the meeting and the matters to be dealt with at the meeting; for the student this will be sent via the student's nominated email address or by regular pre-paid post to the student's nominated postal address as shown in the Notice of Appeal Form.

5.9 The Student Appeals Committee may:

- Affirm the decision being appealed (in whole or in part)
- Vary the decision being appealed (in whole or in part)
- Set aside the decision being appealed and make another decision in substitution.

The Committee may also detail if any corrective or preventative actions are to be taken by AIHE as a consequence of the Committee's finding/s.

5.8 The decision of the Student Appeals Committee is final and is not subject to further review within AIHE.

5.9 The secretary of the Student Appeals Committee will notify the student of the decision of the Committee within five (5) working days of the decision, giving reasons for the decision.

5.9.1 Students will be informed of their right to lodge a complaint or appeal with an external agency in the notice of decision, including any mandated timeframes for seeking external review. Students will be advised they have ten (10) working days in which to lodge an external appeal, after which AIHE will implement the decision of the Student Appeals Committee.

5.9.2 Where a decision will result in the cancellation or suspension of an international student's enrolment, AIHE is required to report this to the Department of Home Affairs. AIHE will not contact the Department of Home Affairs until external review and appeal processes have been exhausted.

5.10 AIHE will immediately implement any decision and/or corrective and preventative action required when the outcome of the Student Appeals Committee is a decision that supports the student and AIHE will advise the student of that action.

## 6. STAGE 4 – EXTERNAL REVIEW

6.1 If a student is not satisfied with the decision of the Student Appeals Committee or AIHE's decision in relation to a grievance, complaint or appeal made under this policy, the student may lodge a complaint or appeal with the Office of the Training Advocate SA or other relevant agency external to AIHE.

### 6.2 The Office of the Training Advocate SA

The South Australian Office of the Training Advocate (OTA) provides guidance about the higher education and training systems in South Australia and offers independent advice and support to domestic and international students, including advocacy and assistance with preparation of internal complaints and appeals. It is important to note that the OTA does not have the authority to change or overturn academic decisions made by AIHE.

Contact details of the Office of the Training Advocate are:

<http://www.trainingadvocate.sa.gov.au/> Email: [trainingadvocate@sa.gov.au](mailto:trainingadvocate@sa.gov.au)

Phone: 1800 006 488 Outside Australia call: + 61 + 8 + 8226 4242 Fax: 8226 4278

131 Grenfell St, Level 5, corner of Grenfell Street and Hyde Street Adelaide

Office hours: Monday to Friday, 9.00 am – 5.00 pm

Post: GPO Box 320 Adelaide SA 5001

### 6.3 Overseas Students Ombudsman

The Overseas Students Ombudsman investigates complaints about problems that overseas students have with private education and training providers in Australia. Their service is free and they do not charge for making a complaint. A student can complain about AIHE if they believe that AIHE may not have followed the rules or treated them fairly.

The Overseas Students Ombudsman provides support to future, current or former international students. Visit their website at <https://www.ombudsman.gov.au/How-we-can-help/overseas-students> or phone 1300 362 072 in Australia (calls from mobile phones at mobile phone rates). Outside Australia, call +61 2 6276 0111. The website has information about interpreter services.

### 6.4 Consumer Rights and Complaints

If a student believes their consumer rights have been breached, they can contact the Australian Competition and Consumer Commission (ACCC). The ACCC has jurisdiction of the *Competition and Consumer Act 2010*. While the ACCC don't resolve individual complaints, the ACCC can provide students with information about their consumer rights and obligations, and possible courses of action they might take. Visit the ACCC website at <https://www.accc.gov.au/>.

The local state consumer protection agency can also provide students with information about their rights and options and may likewise be able to help negotiate a resolution between a student and AIHE. Information and contact details for the SA Office of Consumer and Business Services (CBS) can be found at <https://www.cbs.sa.gov.au/>.

### 6.5 Unlawful Discrimination, Sexual Harassment and Victimization

The Australian Human Rights Commission can investigate and resolve complaints of discrimination, harassment and bullying based on a person's: sex, gender identity, intersex status, sexual orientation, disability, race, or age. Information for people making complaints can be found at <https://www.humanrights.gov.au/complaints/complaint-guides/information-people-making-complaints>.

The Equal Opportunity Commission of South Australia accepts complaints about unlawful discrimination, sexual harassment and victimisation covered by South Australian equal opportunity law. Information about the complaint process and how to make a complaint is found on their website at <http://www.eoc.sa.gov.au>.

#### **6.6 Tertiary Education Quality and Standards Agency (TEQSA)**

The Tertiary Education Quality and Standards Agency (TEQSA) accepts complaints about Australian higher education providers by domestic and international students. TEQSA only accepts certain types of complaints about registered higher education providers. Information can be found at <https://www.teqsa.gov.au/complaints>.

6.7 AIHE will immediately implement any decision and/or corrective and preventative action required when the outcome of an external complaint or appeal is a decision or recommendation that supports the student and will advise the student of that action.

### **7. THE STUDENT APPEALS COMMITTEE**

7.1 The Chair of the Student Appeals Committee will be the Chair of Academic Board or a member of the Academic Board.

7.2 Membership includes two staff members appointed by the Chair, who have not been involved in the decision that is being appealed, at least one of whom will be an academic staff member.

7.3 The General Manager will appoint a non-voting secretary to the Committee. The secretary will keep confidential minutes of all Committee meetings concerned with the appeal and is responsible for ensuring that these are retained securely.

### **8. RECORD KEEPING AND CONFIDENTIALITY**

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

8.2 All records relating to complaints and appeals will be treated as confidential and will be covered by AIHE's Records Management Policy and associated Procedure.

### **9. ANNUAL REPORTS OF THE STUDENT APPEALS COMMITTEE**

9.1 The General Manager must ensure that an annual report on the work of the Student Appeals Committee is submitted to Council through the Academic Board. This report will include the following information for each case without revealing the name of any person:

- the type and outcome of appeal;
- the grounds of appeal;
- details of the appellant (including gender, any disability, age, study mode, Australian residence status); and
- School.

### **10. DEFINITIONS**

10.1 See the AIHE Glossary of Terms for definitions.

## Version Control

Version #	Date	Key changes
1.0	30/1/2018	Original procedure approved by General Manager
2.0	12/11/2018	Significant revision to meet HESF Threshold Standards
2.1	26/03/2019	Revisions to Sections 4 and 5, and addition of clause 6.7 to meet ESOS National Code requirements and clarify processes
2.2	5/02/2020	Revisions to 6.2 and 6.3 as from 31/10/19 SA Training Advocate ceased to act as external complaint-handling body fir SA HEPs for disputes with international students