

# Complaints and Appeals Procedures

## 1. Governing policy

The *Complaints and Appeals Procedures* (“procedures”) relate to the *Complaints and Appeals Policy* (“policy”). They describe how students and staff are to enact the policy, including the steps to be taken in managing the complaints and appeals process.

## 2. Scope

These procedures are relevant to all enrolled students, prospective students and past students and any staff involved in a complaint or appeal.

## 3. Procedures

3.1 These procedures set out the three key internal processes that may be used to resolve a complaint or appeal:

### *Informal resolution – self-managed*

In the first instance, students are encouraged to seek an informal settlement of their issue at the local level, where it is reasonable and appropriate to do so, before a formal complaint or appeal is submitted.

### *Complaint*

Where a matter cannot be informally resolved, or if a student is dissatisfied with the outcome of a decision, the student may lodge a formal complaint using the appropriate online form. Students who require support to lodge a complaint, including a different method of submission, should contact the Student Support Centre for advice.

Students are entitled to lodge a complaint about any academic or administrative matter, including (but not limited to):

1. the conduct and performance of staff;
2. services and facilities provided by or managed by the Institution;

3. dealings with the Institution’s international representatives (agents), homestay providers, welfare providers or other related parties;
4. conduct and performance of other students;
5. review of a decision made by the Institution;
6. failure to adhere to relevant policies and procedures.

A complaint lodged by a former student more than six months after completing their studies is not normally considered. Exceptions to this are made in exceptional circumstances only (e.g. FEE-HELP re-credit). A delay in lodging can affect the Institution’s ability to investigate the matter.

### *Appeal*

Where a student is not satisfied with the outcome of the complaint the student may initiate a formal appeal provided there are sufficient grounds as follows:

1. failure to provide natural justice or procedural fairness;
2. where the decision is inconsistent with a published policy or procedures;
3. where there are new or different grounds and/or supporting evidence to those already considered by the original decision maker;
4. the penalty was not commensurate to the incident; and/or
5. on other reasonable grounds, as determined on a case by case by the Chair of the Appeals Committee, beyond the above.

An Appeal Committee is only convened if the Chair of the Appeals Committee is satisfied that there are grounds for an appeal and the relevant documentary evidence submitted.

### *External review*

Students who are not satisfied with the outcome or the management of a decision made by the Institution may make a complaint to an appropriate external agency at any time. External agencies normally only act if all the internal processes have been completed.

**Table 1. Internal complaints and appeals resolution process**

Process	Responsibilities	Timeframe
<b>A. Informal resolution procedures</b>		

<ol style="list-style-type: none"> <li>1. Students are encouraged to resolve their concern informally either via email or in person (between to two parties) if it is reasonable and appropriate to do so. This option is not encouraged for students with a grievance relating to sexual harm (see item 2.c).</li> <li>2. Students can also seek advice and support from Student Services, the wellness team, faculty staff or operations staff.</li> <li>3. Students seeking a review of a final grade or assessment mark of a subject must refer to the <i>Student Review of Assessment Results Procedures</i> in the first instance.</li> <li>4. All requests to informally resolve a concern, either in writing or in person, are addressed within five working days.</li> </ol>	<p>Lecturers and faculty staff such as the Program Manager Student Services Wellness team Operations staff</p>	<p>Requests addressed within five working days</p>
<p><b>B. Complaint procedures</b></p>		

<ol style="list-style-type: none"> <li>1. If a student is dissatisfied with the outcome of the informal resolution process, or they have opted not to seeks informal resolution, thy may lodge a complaint.</li> <li>2. Complaints must be lodged on via the <a href="#">online form</a> with any supporting documentation within 20 working days of the issue occurring or upon notification of the initial decision (extensions of this timeframe may be granted in exceptional circumstances and at the discretion of the Institution). Students who require support to lodge a complaint, including a different method of submission, should contact the Student Support Centre for advice. This timeframe does not apply for students seeking to complain about sexual harm.</li> <li>3. Students seeking to make a complaint relating to sexual harm are encouraged to seek assistance from the Student Success Centre Manager who can provide confidential support, advice on the complaints process and referral to external agencies as appropriate.</li> <li>4. The completed online form (and any supporting documentation) is acknowledged and registered within two working days.</li> <li>5. Complaints are dealt with by the Dean/Associate Dean or Program Manager (IT) (as relevant) for academic matters or the Vice President (Student Life) for non-academic matters. Complaints that involve both academic and financial components are determined by the Vice President (Finance) (or delegate). If the complaint relates to the person involved in the complaint handling process it will be referred to the relevant line manager.</li> <li>6. An investigation is conducted, which may involve formal meetings/interviews where those involved in a complaint have a right to present their case. The investigating officer takes heed to past precedents and closely follows the Institution’s policies and procedures to ensure outcomes are consistent.</li> <li>7. The investigation of a complaint commences within 10 working days of receipt of the complaint and is finalised as soon as practicable. The student is notified if the investigation takes longer than 10 working days.</li> <li>8. If a complaint outcome is in the favour of the student, the Institution immediately implements the decision or recommendation and/or take the preventative or corrective action required by the decision and notify the complainant accordingly.</li> <li>9. However, if the student is dissatisfied with the outcome of a complaint they may submit an appeal provided there are sufficient grounds as outlined in these procedures.</li> <li>10. Student Services to set up work task to check progress after 20 working days. If an appeal has not been submitted then the case is closed.</li> <li>11. Student Services to record outcomes and all correspondence in Student Record Management System.</li> </ol>	<p>Dean/Associate Dean or PM(IT) (as relevant) for academic matters Vice President (Student Life) for non-academic matters</p>	<p>Lodge within 20 working days Acknowledgement within two working days. Commence investigation within 10 working days finalise outcome as soon as practicable.</p>
<p><b>C. Appeal procedures</b></p>		

<ol style="list-style-type: none"> <li>1. If a student is dissatisfied with the outcome of their complaint they may lodge an appeal provided there are sufficient grounds and additional evidence as outlined in these procedures.</li> <li>2. Appeals must be lodged on the <a href="#">online form</a> within 20 working days of notification of the complaint decision (extensions of this timeframe may be granted in exceptional circumstances and at the discretion of the Chief Quality Officer). This timeframe does not apply for students seeking to complain about sexual harm or those with any other compelling and compassionate reasons.</li> <li>3. Students seeking to appeal an outcome relating to sexual harm are encouraged to seek assistance from the Student Success Centre Manager who can provide confidential support, counselling, advice on the appeals process and referral to external agencies as appropriate</li> <li>4. The completed online form and any supporting documentation is acknowledged and registered within two working days.</li> <li>5. Appeals must include the grounds for the appeal as outlined in paragraph 3.1 of these procedures and additional evidence to support the appeal application.</li> <li>6. All types of appeals are considered by the Appeals Committee, which is convened normally within 10 working days of receipt of the appeal. The student has the right to attend the committee meeting to present their case. They may be accompanied by a support person but may not have legal representation. All deliberations and outcomes are determined by the Committee in closed session. The student is notified if the investigation takes longer than 10 working days. The Appeals Committee takes heed to past precedents and closely follows the Institution's policies and procedures in reaching a decision to ensure outcomes are consistent.</li> <li>7. The student is notified in writing of the outcome of the appeal within 10 working days of a decision being reached. The correspondence will state a student's right to access an external review of the decision and provides full details of the external review options.</li> <li>8. If an outcome of an appeal is in the favour of the student, the Institution immediately implements the decision or recommendation and/or take the preventative or corrective action required by the decision, and notify the complainant accordingly.</li> <li>9. The outcome of the Appeals Committee is the final internal avenue of complaint and appeal resolution process. The student can access the external review as outlined in paragraph 4 of these procedures.</li> <li>10. Student Services records outcomes and all correspondence in Student Record Management System.</li> </ol>	<p>Appeals Committee</p>	<p>Lodge within 20 working days</p> <p>Appeals Committee normally convened within 10 working days, and the outcome finalised as soon as practicable.</p> <p>Acknowledgement within two working days.</p> <p>Students notified of Appeals Committee decision within five working days of the Committee being convened</p>
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#### 4. External review

4.1 When students are not satisfied with the outcome of a complaint or appeal, they may seek a review with an external body or agency. Students may choose to:

Request external mediation through the Resolution Institute's Student Mediation Scheme. The Resolution Institute appoints an expert to consider and make recommendations in relation to the appeal in accordance with the Institution's policies and procedures. The appointed expert uses their best endeavours to make

recommendations to resolve the complaint within 20 working days of appointment. The complainant and the Institution take such steps as may reasonably be required by the Resolution Institute or the appointed expert to allow recommendations to be made to resolve the complaint. The Resolution Institute's expert may, in resolving the appeal, make recommendations including but not limited to:

- a. that the decision under appeal be upheld, overturned or amended;
- b. that either the complainant or the Institution take corrective or further actions.

The Resolution Institute or the appointed expert advises the complainant and the Institution in writing of the outcome of the external appeal. For further information on the Resolution Institute, complainants may wish to contact the Resolution Institute using the following contact details:

Resolution Institute

Levels 1 and 2

13 - 15 Bridge Street

Sydney NSW 2000

Email: infoaus@resolution.institute

Phone: +61 2 9251 3366 or 1800 651 650

Website: <https://resolution.institute/web/default.aspx>

Where the Resolution Institute makes a decision or recommendation in favour of the complainant, the Institution immediately implements that decision or recommendation and/or takes preventative or corrective action required by that decision or recommendation, and advises the complainant of actions taken in response to such a decision or recommendation of the Resolution Institute. The external appeal process referred to above will be provided free of charge to complainants. Any costs associated with the external appeal is covered by ICMS. Seek a reassessment by an External Reviewer. The Institution has provided for independent external reviewers to consider decisions on students' complaints or

appeals and this option is available upon request. The Institution covers any reasonable cost to students utilising this service.

4.2 International students may seek a review by the Commonwealth Ombudsman. If the external review relates to unsatisfactory course progress or attendance decision, the student must notify the Institution of their intention within 10 working days of the notification of the internal appeal outcome. If the student fails to notify the Institution, the Institution will report the cancellation of the student's enrolment to the Department of Home Affairs (DHA).

4.3 Lodge a complaint with the relevant external agency as follows:

<b>Complaint type</b>	<b>External agency</b>
Discrimination, sexual harm, victimisation, vilification	<a href="#">Australian Human Rights Commission</a> <a href="#">NSW Anti-Discrimination Board</a>
FEE-HELP/HECS-HELP, intellectual property rights, matters relating to competition and consumer legislation	<a href="#">Administrative Appeals Tribunal</a> OR <a href="#">Australian Competition and Consumer Commission (ACCC)</a>
Refunds, contracts such as Letter of Offer, Terms and Conditions of Enrolment	<a href="#">NSW Office of Fair Trading</a>
Campus safety	<a href="#">Safework NSW</a>
Privacy breach and refunds	<a href="#">NSW Civil and Administrative Tribunal (NCAT)</a>
Higher Education Standards, ESOS and National Code compliance	<a href="#">TEQSA</a>

## 5. Student conduct

5.1 Students must make complaints and appeals responsibly and must not seek to raise an issue for trivial or vexatious reasons. The Institution does not tolerate unreasonable behaviour, exaggeration or dishonesty, unreasonable persistence after an investigation has closed, or unrealistic or disproportionate demands. Students are expected to provide serious reasons and factual evidence in support of a complaint or an appeal or request for review. Vexatious complainants are dealt with in accordance with the General Misconduct Policy and General Misconduct Procedures.

## 6. Compliance and monitoring

6.1 In accordance with TEQSA Standard 2.4, the approach to complaint and appeal handling is intended to be timely, free of cost, consistent, fair, without reprisal and handled confidentially and all subsequent actions are intended to be achieved in good time. Also, in accordance with TEQSA Standard 7.2, information about grievance handling is easily accessible to students as is information about advocacy and external sources for further appeals.

6.2 Additionally, reports on complaints and appeals are provided to relevant departments and committees to ensure that the Institution acts systemically on frequent sources of complaint for students. Complaints are used to identify and address any issues in the Institution's policies, procedures and operations.

## **7. Reporting**

7.1 The Executive Management Group (EMG) monitors non-academic complaints and appeals and refers matters for improvement to departments. It may also make amendments to the Complaints and Appeals Procedures as required.

7.2 The Learning and Teaching Committee monitors academic related complaints and appeals and reports to Academic Board with recommendations for improvement as required.

7.3 An annual summary report is submitted to the Board of Directors by the President for consideration of possible actions to address underlying causes of all student complaints (both non-academic and academic).

## **8. Records management**

8.1 A record of all complaints, notes on actions, notes of appeals committees and outcomes of complaints and appeals is maintained on Student Record Management System by the Vice President (Student Life).

See Appendix 1 [Complaints and Appeals Flowchart](#)

## **9. Related documents**

- Academic Integrity Policy
- Academic Integrity Procedures
- Artificial Intelligence Policy
- Assessment Policy



- Assessment Procedures
- Complaints and Appeals Policy
- General Misconduct Policy
- General Misconduct Procedures
- Sexual Harm Policy
- Sexual Harm Procedures
- Student Code of Conduct
- Student Review of Assessment Results Procedures

**Approved by EMG on 22 August 2024**