1. Purpose of Policy

The College operates on the basis that academic decisions (for example, in relation to assessment, course progression, teaching quality, curriculum, etc.) are entrusted to academic staff in accordance with proper procedures established by the College.

The College, however, recognises that from time to time disputes may arise with respect to academic matters. The College is committed to resolving academic disputes between students and the College and its staff as quickly and as sensitively as possible.

This policy and procedure has been put in place to assist all parties to resolve academic issues that arise and reflects the College’s expectations and responsibilities of the College, its staff and its students in resolving student academic grievances and appeals.

2. Definition of Terminology

i) Academic Grievance refers to an expression of dissatisfaction with a decision, action or process within the College in this case regarding academic matters.

ii) Appeal refers to a request to reconsider an academic decision made in the context of this document.

iii) International student refers to an overseas student required to hold a student visa for study in Australia.

iv) National Code refers to a set of nationally consistent standards that governs the protection of international students and delivery of courses to those students by the College that are registered on CRICOS - the Commonwealth Register of Institutions and Courses for Overseas Students. The National Code is established under the Education Services for Overseas Students (ESOS) Act 2000.

3. Scope of Policy

i) This policy applies to the College and its staff and students, or persons who have demonstrated an intention to enrol as a student in the College (hereafter referred to where ever “a student” is referenced), regardless of the location of the campus of the College at which the grievance has arisen, the student’s place of residence or the student’s mode of study.

ii) A student who has ceased enrolment with the College will be considered under this policy and procedure for a period of up to 3 calendar months after their enrolment has ceased.

iii) The policy and procedure set out in this document does not:

a) replace or modify procedures or any other responsibilities which may arise under other external vocational education and training and higher education provider policies or under statute or any other law; or

b) prevent a student from exercising their rights to other legal remedies.

iv) This policy and procedure is one of several internal dispute resolution policy mechanisms of the College. These are as follows:

a) For a dispute with respect to assessment appeals, students should initially follow the College’s processes for appealing an assessment result or final result described the Student Handbook, before perusing the procedure described in this Academic Grievances and Appeals Policy and Procedure;

b) For a dispute with respect to non-academic matters refer to ACAP’s Non-Academic Grievances and Appeals Policy and Procedure;

c) For a dispute with respect to academic matters refer to this Academic Grievances and Appeals Policy and Procedure;
d) For a grievance or appeal with respect to a refund of an upfront payment made direct to the College refer to the Refund Policy; and
e) For a grievance or appeal concerning the reimbursement of FEE-HELP Assistance for a module or unit refer to the FEE-HELP Review and Appeals Procedures.

v) The College’s above mentioned internal dispute resolution mechanisms extend to make available external dispute resolution processes should the internal dispute resolutions process be exhausted. For details on available external appeal options and contacts refer to “Stage 4: External Appeals”, page 8.

vi) A student who is unsure which policy mechanism relates to the nature of their grievance should seek advice from the School Academic Coordinator for their course or the Student Services Team. Alternatively the student may contact the ACAP Student Centre. Phone: +1800 809 299 [National Freecall] Email: info.acap@navitas.com.

<table>
<thead>
<tr>
<th>4. Principles</th>
<th>The following principles underpin student appeals and grievance resolution processes against academic decisions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) Availability</td>
<td>This Policy is freely available to all students and staff. It is made available through several mechanisms, which include, but are not limited to:</td>
</tr>
<tr>
<td></td>
<td>• reference in the domestic and international student guides, which is provided to all intending and/or applying international students;</td>
</tr>
<tr>
<td></td>
<td>• provision to international students before they enter into a Confirmation of Enrolment (COE) agreement or pay any financial amount for their registered course enrolment, whichever happens first;</td>
</tr>
<tr>
<td></td>
<td>• provision to domestic and international students at orientation and/or within 5 working days after the student starts attending a College course in which he or she is enrolled, whichever happens first; and</td>
</tr>
<tr>
<td></td>
<td>• reference in the orientation procedures for permanent and casual academic and administrative staff of the College.</td>
</tr>
<tr>
<td>ii) Timeliness</td>
<td>The College has an intention to resolve any dispute without undue delay. Deadlines prescribed in this policy and procedure should normally always be followed, unless exceptional circumstances prevail. If the deadline is to be exceeded by staff, the student must always be informed of the length of and reason for the delay. If the deadline is to be exceeded by the student, the student must ensure the staff member is always informed of the length of and reason for the delay.</td>
</tr>
<tr>
<td>iii) Confidentiality</td>
<td>The College will treat all student grievances and appeals confidentially at all stages of the process. Access to information about a grievance or appeal shall be strictly limited to those staff that “have a need to know” in order to deal with the grievance or appeal.</td>
</tr>
<tr>
<td>iv) Without disadvantage</td>
<td>The fact that a complaint has been made under this policy will not disadvantage the complainant and/or respondent in any way, especially by way of victimisation or discrimination. That said, the fact that a student has had to complain may of itself cause disadvantage, for example, delay in finalising a final result for a module or unit.</td>
</tr>
</tbody>
</table>
Academic Grievances and Appeals Policy and Procedure (v4.2)

31/10/2012

v) **Procedural fairness**
Grievances and appeals will be handled in accord with the College’s Principles of Procedural Fairness Policy.

vi) **Continuation of College and module or unit enrolment**
Whether the College will maintain a student’s enrolment throughout a student’s participation in an internal or external appeals process depends on the type of appeal.

**Domestic Students internal and external grievances and appeals process**
A domestic student’s enrolment will be maintained throughout the student’s participation in the internal and external grievance and appeals process for all types of grievances or appeals, until the matter has been decided.

**International Students internal and external grievances and appeals process and reporting to DEEWR**
An international student’s enrolment will be maintained throughout the student’s participation in the internal grievance and appeals process for all types of grievances or appeals, and the College will not report the student to DEEWR.

If the internal appeals process is complete and has supported the student’s case, the student’s enrolment will continue to be maintained, and the College will not report the student to DEEWR.

If the internal appeals process is complete and has supported the College’s decision to defer, suspend or cancel an international student’s enrolment, but evidence shows that there are compassionate or compelling circumstances concerning the student’s case, the College will provide ongoing support to the student through the College’s Academic Intervention Strategy, continue to maintain the student’s enrolment, and will not report the student to DEEWR.

If the internal appeals process is complete, and has supported the College’s decision to defer, suspend or cancel an international student’s enrolment, and evidence does not support that compassionate or compelling circumstances surround the student’s case, and:

- if the appeal concerned any matter other than the student’s unsatisfactory course progress or unsatisfactory course attendance*, then the College is obliged to notify DEEWR through PRISMS of the change to the student’s enrolment, irrespective of whether or not the student has commenced an external appeal process; or
- if the appeal concerned the student’s unsatisfactory course progress or unsatisfactory course attendance*, then the College will not notify DEEWR through PRISMS of the change to the student’s enrolment until the external complaints/appeals process is complete and has supported the College’s decision to defer, suspend or cancel an international student’s enrolment.

Once DEEWR has been notified of a suspension or cancellation of the student’s enrolment, the student has 28 calendar days in which to leave Australia, or show the Department of Immigration and Citizenship (DIAC) a new Confirmation of Enrolment, or provide DIAC with evidence that he or she has accessed an external appeals process, *(see National Code Standard 10 and Standard 11, accordingly).*

*(ACAP does not monitor international student’s attendance at scheduled classes).*

vii) **Continuation of learning opportunities**
While the College will maintain a student’s enrolment, as described above, the College reserves the right to decide whether or not to continue to offer learning opportunities to the student throughout the internal or external grievances and appeals process on a case by case basis (for example, decide, case by case, whether or not the student will be permitted to...
continue to attend classes, be excluded from attending classes but permitted to continue to undertake and complete class work outside of the classroom environment, etc).

The College recognises that decisions to deny learning opportunities to a student, whether a domestic, international [see National Code Standard 8], or off-shore student, throughout the formal grievance and appeals process may disadvantage the student in their subsequent studies should the appeals process find in the student’s favour, and will normally only undertake such action if determined necessary to maintain the College’s duty of care to its students, staff and other stakeholders of the College.

**viii) Record-keeping and access to records**

a) A staff member in receipt of documentation in stage 2, 3 or 4 of the academic grievance or appeal procedure, including emails, letters and supporting materials, is responsible for prompt forwarding of the documentation, in an organised, clear and confidential manner, to the Registrar.

b) Records of grievances and appeals and their outcomes will be kept strictly confidential and filed in a separate file, with a unique folio identifier and stored in the Office of the Registrar for a period of at least five years.

c) The complainant and/or respondent will have a right of supervised access to all documents held by the College concerning his or her grievance or appeal.

d) The Registrar shall maintain a Register of Formal Grievance and Appeal Cases that records the unique folio number of the case, the date the case was first lodged by the student, the policy and procedure/s under which the case was considered, the procedural stages at which the case was considered, and the date the matter was resolved. Senior staff of the College and staff of Commonwealth and State Government agencies, who may not necessarily have had direct involvement in the formal grievance and appeal case/s, may access this register if required to do so in their normal work undertakings.

**ix) Resolution**

Given the nature of many academic grievances, the College expects that most concerns will normally be resolved at the informal stage (stage 1). This form of resolution provides an ideal opportunity for open and direct dialogue between the student and academic staff member. Additionally, informal resolution normally provides the most time effective mechanism for resolving academic grievances.

**x) Cost**

In stages 1 to 3 of the academic grievance and appeal procedure there will be no charge to the student. At stage 4, where a student elects to lodge a complaint with the external arbiter, the Australian Council for Private Education and Training (ACPET), the student will be liable for the $200 charge payable to ACPET, which ACAP will reimburse to the student if the appeal is found in the student’s favour.

In cases where the complainant lodges their complaint with an external regulatory authority, the complainant is responsible for ascertaining whether or not he or she will incur charges at that stage. International students incur no charges for the Australian Government’s Overseas Students Ombudsman service.

### 5. The Policy

| i) | An academic grievance may be made against any academic decision, action or process of the College. |
| ii) | **Types of grievances or appeals against academic decisions** Types of grievances or appeals against academic decisions normally |
include, but are not limited, to:
   a) student progress decisions;
   b) assessment matters*;
   c) an academic decision of a member of academic staff that affects an individual student or a group of students;
   d) content or structure of academic programs or nature of teaching;
   e) supervision of practical experience;
   f) issues related to authorship or intellectual property;
   g) an academic misconduct matter;
   h) awards in a course of study.

iii) In seeking to resolve an academic grievance or dispute, students and staff should normally first exhaust the dispute resolution mechanisms described in this document.

iv) All students of the College dissatisfied with an academic decision, action or process within the College have the right to have the matter or decision reviewed and to appeal the decision.

v) Academic grievances should normally be lodged up to 10 working days from the date of occurrence of the aggrieved matter.

   A student making a grievance or appeal should clearly and objectively identify the issue, provide evidence in support of his or her grievance where possible to do so, and organise any evidence in a clear and logical manner.

*Grievances and Appeals Concerning an Assessment Result or Final Result
Where the grievance concerns an assessment result or final result the student must initially follow the College’s processes for appealing an assessment result or final result described in the Student Handbook, which may include lodging an Assessment Appeal Form. The grounds for expressing a grievance or appeal against a result for a module or unit assessment or examination assessment are also detailed in the Student Handbook.

6. Procedure

   Stages of the Academic Grievance and Appeal Resolution Process

   i. There are four stages in the processes associated with the resolution of an academic grievance or appeal with each stage representing an increase in the level of formality with which the grievance or appeal is managed. The stages of the process are:

   Stage 1. Informal Discussion/Negotiation normally between student and staff member involved, and/or the supervisor of the staff member involved.

   Stage 2. Formal Internal Grievance/Appeal to either the Regional Director of the campus or Head of School of the faculty in which the student is enrolled.

   Stage 3. Formal Internal Appeal to the Dean

   Stage 4. External Appeal normally to a person/body nominated by the College as the External Review or the applicable VET or higher education regulatory authority, or for international students the Overseas Students Ombudsman.

   ii. When escalating an appeal between and/or within a stage, students must present evidence that the previous determination was lacking in either academic judgement and/or due process. If this is impractical, complainants should communicate with the Registrar.

   iii. For each stage of the process, both the complainant and respondent have the right to be represented by a third party.

   iv. For each stage of the process, both the complainant and the respondent have the right to a full explanation in writing for decisions and actions taken as part of the procedures.
Stage 1. Informal discussion/negotiation normally between student and staff member involved, and/or the supervisor of the staff member involved.

Normally within 10 working days of the occurrence of the academic grievance the student should liaise with the staff member concerned and discuss/negotiate their concerns with a view to arriving at a mutually agreeable resolution.

The student is responsible for ensuring in entering this informal discussion/negotiation that they make clear the nature and grounds of the academic grievance and, where applicable, provide evidence to support any claims.

Following discussion the staff member will investigate the grievance with procedural fairness, and may consult with relevant academic and administrative staff, as well as students of the College as part of these investigations, and may engage in further informal discussion with the student.

The staff member shall normally respond to the student, normally in writing via email, within 10 working days of the student’s initial raising of their grievance. This response will briefly outline the nature and grounds of the student’s grievance and the staff member’s decision on the matter. This response will also include a copy of the College’s Academic Grievances and Appeals Policy and Procedure.

If the student is satisfied with the response at this stage, no further action is required. If the student is dissatisfied with the response, or the decision outcome or the time taken to resolve the matter, he or she should proceed to Stage 2.

FORMAL RECORDING OF ACADEMIC GRIEVANCES AND APPEALS COMMENCES FROM STAGE 2

Stage 2. Formal Internal Grievance/Appeal

A student at this stage may:

a) lodge a formal appeal against the outcome concerning his or her academic grievance that was made by the staff member at Stage 1; or

b) lodge a formal academic grievance.

The student should normally lodge their formal grievance or appeal within 10 working days of the grievance occurrence or the student’s receipt of the staff member’s decision at Stage 1, as applicable.

This is the first of the formal grievance and appeal stages. As such, the student must express the nature and grounds of their grievance or appeal, in writing, either via email or letter, to either the Regional Director of the campus or Head of School of the faculty in which the student is enrolled.

The student should, in this written communication:

a) make clear the nature and grounds for his or her grievance or appeal;

b) indicate whether or not he or she has pursued Stage 1 of this procedure, and if not briefly make clear the reasons for not doing so;

c) provide the date of the initial decision (if applicable);

d) explain why a reconsideration is being requested (if applicable);

e) attach copies of any written communication between the student and the staff member that took place at Stage 1 (if applicable); and

f) attach evidence that supports his or her grounds for grievance or appeal, where available (which may include new evidence).

The Regional Director or Head of School (as applicable) will investigate (or oversee the investigation of) the case presented with procedural fairness and
may:
- designate any staff member, at the same organisational level or lower who has not had prior involvement in the case, to assist with the investigation;
- consult with relevant academic and administrative staff at the same organisational level or lower, as well as students of the College, on matters pertaining to the case; and/or
- request the student to meet with them in person or via teleconference to discuss the case.

The Regional Director or Head of School (as applicable) will respond to the student, in writing via email or letter, within 20 working days of receipt of the student's written grievance or appeal.

If the student has lodged an initial grievance, this response will make clear the decision of the Regional Director or Head of School (as applicable) and the reasons for the decision.

If the student is appealing a decision made by a staff member at Stage 1, this response will make clear whether, as a result of the findings from the investigation, it has been decided to:

a) confirm the original decision; or
b) vary the original decision, stating the details of the variance; or
c) set the decision aside and substitute a new decision, stating the new decision.

This communication will also include a copy of the College’s Academic Grievances and Appeals Policy and Procedure.

If the student is satisfied with the response at this stage, no further action is required. If the student is dissatisfied with the response, or the decision outcome or the time taken to resolve the matter, he or she should proceed to Stage 3.

### Stage 3. Formal Internal Appeal to Academic Appeals Committee

A student may formally appeal a decision made at Stage 2, normally within 10 working days of their receipt of the written response from the Regional Director or Head of School (as applicable).

At this stage, the student must express the nature and grounds of their appeal, in writing either via email or letter, to the Dean. The student should, as part of this communication:

a) make clear the nature and grounds for his or her grievance or appeal;
b) indicate whether or not he or she has pursued Stage 1 and/or Stage 2 of this procedure, and if not briefly make clear the reasons for not doing so;
c) provide the date of the initial decision (if applicable);
d) explain why a reconsideration is being requested (if applicable);
e) attach copies of any written communication between the student and the staff member that took place at Stage 1 and/or Stage 2 (if applicable); and
f) attach evidence that supports his or her grounds for grievance or appeal, where available (which may include new evidence).

The Dean will investigate the case presented with procedural fairness.

The Dean may establish an Academic Appeals Committee of two or three members nominated by the Dean, which may include a Head of School and a member of the Academic Board or one of its standing Committees. A Head of School or Regional Director, to whom a formal grievance was lodged at Stage 2, may not be nominated to be part of the Academic Appeals Committee. In the course of this investigation, the Dean, and any staff designated to be involved in the investigation, has the discretion to:

- consult with relevant academic and administrative staff, as well as students
of the College, on matters pertaining to the case; and/or

- request the student to meet with the Committee in person or via teleconference to discuss the case.

The student will be advised of the outcome of the appeal, in writing via email or letter, within 20 working days of receipt of the student’s written grievance/appeal.

This response will make clear whether, as a result of the findings from the investigation, it has been decided to:

a) confirm the original decision; or

b) vary the original decision, stating the details of the variance; or

c) set the decision aside and substitute a new decision, stating the new decision.

This communication will also include a copy of the College’s Academic Grievances and Appeals Policy and Procedure.

If the student is satisfied with the response at this stage, no further action is required. If the student is dissatisfied with the response to, decision outcome, or the time taken to resolve the matter, he or she should proceed to Stage 4.

**Stage 4. External Appeal**

Higher education and vocational education and training (VET) students dissatisfied with the outcome of the internal grievance and appeals process have a number of external appeal options available to them. There may be costs for lodging an external appeal or grievance. For further details on these costs refer to item 4(x) above.

**HIGHER EDUCATION STUDENTS**

Higher education students seeking to take the matter further can elect to take their grievance or appeal to the relevant Ombudsman in the State or Territory in which they reside or Federal Ombudsman. The contact details for each relevant State and Federal Ombudsman are provided below. For further details refer to the Authority’s website.

*International students intending to study or studying on a student visa*

- Overseas Students Ombudsman: http://www.oso.gov.au
  This is a free, independent and impartial Australian Government service for international students.

*Domestic and other international students*

- Commonwealth and ACT Ombudsman: http://www.ombudsman.gov.au
- Northern Territory Ombudsman: http://www.ombudsman.nt.gov.au
- Queensland Ombudsman: http://www.ombudsman.qld.gov.au
- South Australian Ombudsman: http://www.ombudsman.sa.gov.au
- Tasmanian Ombudsman: http://www.ombudsman.tas.gov.au
- Victorian Ombudsman: http://www.ombudsman.vic.gov.au

Domestic and other international higher education students can also elect to take their grievance or appeal to the College’s nominated external arbiter, the Australian Council for Private Education and Training (ACPET). For details refer to ACPET’s website http://www.acpet.edu.au/.

**VOCATIONAL EDUCATION AND TRAINING STUDENTS**

VET students can elect to take their appeal or grievance to Australia’s national VET regulator, the Australian Skills Quality Authority (ASQA). For further details refer to the Authority’s website.

- Australian Skills Quality Authority:

VET students can also elect to take their grievance or appeal to the College’s nominated external arbiter, the Australian Council for Private Education and Training (ACPET). For details refer to ACPET’s website http://www.acpet.edu.au/.

The College will implement all recommendations arising out of an External Review within the timeframe specified by the external arbiter or relevant State Registration Authority. Alternatively, if a timeframe is not specified by the external arbiter or relevant State Registration Authority, all recommendations will be implemented by the College within 10 working days. Both the student and the College may seek advice and/or advocacy from a third party at this stage, but this will be at each party’s own expense.

### 7. Flow Chart of Academic Grievances and Appeals Procedure

#### 1. Informal Stage
Student engages in informal discussion/negotiation with relevant staff member, normally within 10 working days of the occurrence of the aggrieved matter. The staff member may, if required, further investigates the matter, and will normally respond to the student with a decision within 10 working days of the student’s first raising of the matter.

Matter unresolved to the student’s satisfaction

#### 2. Formal Internal Appeal to Senior Officer
Student lodges an appeal against the decision at Stage 1, in writing, either to the Head of School or Regional Director, who then investigate (or oversee an investigation of) the matter. The student is normally notified of the appeal outcome in writing within 20 working days of receipt of his or her written appeal.

Matter unresolved to the student’s satisfaction

#### 3. Formal Internal Appeal to Dean
Student lodges an appeal against the decision at Stage 2, in writing, to the Dean. The Dean investigates the case, establishing an Academic Appeals Committee as appropriate. The student is normally notified of the appeal outcome in writing within 20 working days of receipt of written appeal.

Matter unresolved to the student’s satisfaction

#### 4. Formal External Appeal
Student may refer the matter to an external arbiter for final resolution.

*Matter remains informal
Matter resolved
Resolution recorded by staff member

Matter formalised
Matter resolved
Resolution formally recorded on College’s Grievances and Appeals Register

^ A separate process initially applies to grievances and appeals concerning an assessment result or final result. (For further details refer to page 5).
## Administrative Information and Document Control

<table>
<thead>
<tr>
<th><strong>Policy Developer</strong></th>
<th>Registrar, Senior Manager Quality and Accreditation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Person Responsible for Implementation</strong></td>
<td>Dean</td>
</tr>
<tr>
<td><strong>Person Responsible for Dissemination and training</strong></td>
<td>Registrar, Dean, Heads of Schools, Head of VET, Director of Business Services, Regional Directors.</td>
</tr>
<tr>
<td><strong>Policy Stakeholders</strong></td>
<td>ACAP staff and students</td>
</tr>
<tr>
<td><strong>Impact on existing policies, documents and procedures</strong></td>
<td>Broad impact across all ACAP student and staff policies, documents and procedures including (but not limited to): Principles of Procedural Fairness Policy, Non-Academic Grievances and Appeals Policy and Procedures, Privacy Policy, Personal Information Policy, Cultural Awareness Policy, Academic Misconduct Policy; Assessment Policy, Course Progression Policy for Domestic Students, Course Progression Policy for International Students, International Student Transfer Between Registered Providers Policy, Disciplinary Policy &amp; Procedure Staff, and Staff Induction Policy.</td>
</tr>
<tr>
<td><strong>Record Keeping Requirements</strong></td>
<td>Refer to Item 4(viii) for details.</td>
</tr>
<tr>
<td><strong>Policy endorsed by</strong></td>
<td>Executive Committee and Academic Board</td>
</tr>
<tr>
<td><strong>Policy approved by</strong></td>
<td>College Council on 3 September 2010. Endorsed by DEEWR on 8 February 2011. Effective from Term 1, 2011 (21 February 2011).</td>
</tr>
<tr>
<td><strong>Date of original approval</strong></td>
<td>19 December 2005</td>
</tr>
<tr>
<td><strong>Current Version</strong></td>
<td>V4.2</td>
</tr>
<tr>
<td><strong>Date of Version Approval</strong></td>
<td>3 September 2010 (Version 4.0 endorsed by DEEWR on 8 February 2011. Effective from Term 1, 2011; 21 February 2011). History of minor amendments by Registrar v4.1, 1 September 2011 V4.2, 31 October 2012</td>
</tr>
<tr>
<td><strong>Date for next review</strong></td>
<td>2015</td>
</tr>
</tbody>
</table>

The content in this document is correct at time of approval, but is subject to change. To view the latest approved version of this document refer to the College website: [http://currentstudents.acap.edu.au/managing-my-course/a-z-policies/](http://currentstudents.acap.edu.au/managing-my-course/a-z-policies/).

ACAP is a registered training organisation and higher education provider and provider of higher education to overseas students.
CRICOS Provider codes: 01328A (NSW), 02565B (QLD), 02829E (VIC).
RTO: 0500. ABN 94 057 495 299

Navitas Professional Institute Pty Ltd trading as the Australian College of Applied Psychology