

# Non-Academic Grievances, Complaints and Appeals Policy and Procedure

## Navitas Professional Institute

### Document

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### Version Control

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# Non-Academic Grievances, Complaints and Appeals Policy and Procedure

## 1. Purpose and Scope

The College operates on the basis that non-academic decisions (for example, administrative decisions etc.) are entrusted to administrative staff in accordance with established College procedures.

It is recognised that from time to time disputes may arise with respect to non-academic matters. The College is committed to resolving administrative and other non-academic disputes between students and the College and staff as quickly and as sensitively as possible.

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

- 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 or complaint 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 or higher education provider policies or under statute or any other law; or
  - b) remove the student's right to take further action under Australia's Consumer Protection Laws, nor circumscribe the student's right to pursue 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;
  - b) For a dispute with respect to academic matters refer to the College Academic Grievances, Complaints and Appeals Policy and Procedure. Academic matters generally include student progress, assessment, curriculum, and awards in a course of study;
  - c) For a dispute with respect to non-academic matters refer to this Non-Academic Grievances, Complaints and Appeals Policy and Procedure. Non-academic matters generally include those matters which do not relate to student progress, assessment, curriculum and awards in a course of study and includes complaints in relation to personal information that the College holds in relation to the student;
  - d) For a grievance, complaint 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, complaint or appeal concerning the reimbursement of FEE-HELP Assistance for a module or unit refer to the FEE-HELP Review and Appeals Procedures.

The policies and procedure above are available from the policy page on the College website.

- v) The 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", herein.
- vi) A student who is unsure which policy mechanism relates to the nature of their grievance or complaint should seek advice from their Course Coordinator or the College Student Services Team.

## 2. Principles

The following principles underpin student grievance, complaint and appeal resolution processes against non-academic decisions:

### i) **Availability**

This policy is freely available to all students and staff.

It is made available through several mechanisms, which include, but are not limited to:

- publication on the College public website;
- reference in the domestic and international student guides, which are provided to intending domestic and international students;
- 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;
- 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
- reference in the orientation procedures for permanent and casual academic and administrative College staff.

### ii) **Timeliness**

It is College intention that any dispute will be resolved 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.

### iii) **Confidentiality**

Student grievances, complaints and appeals will be treated confidentially at all stages of the process. Access to information about a grievance, complaint or appeal shall be strictly limited to those staff that "have a need to know" in order to deal with the grievance, complaint or appeal.

### iv) **Without disadvantage**

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 an enrolment for a module. However, a student should be able to complain under these procedures and feel confident that they will not be disadvantaged or discriminated against in any other way.

### v) **Procedural fairness**

Grievances, complaints and appeals will be handled in accord with the College Principles of Procedural Fairness, which can be accessed from the policy page on the College website.

### vi) **Continuation of College and module enrolment**

Whether a student's College enrolment will be maintained throughout a student's participation in an internal or external appeals process depends on the type of appeal.

#### Domestic Students internal and external grievances, complaints and appeals process

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

#### International Students internal and external grievances, complaints and appeals process and reporting to relevant Australian Government departments

An international student's enrolment will be maintained throughout the student's participation in the internal grievance, complaints and appeals process for all types of grievances, complaints or

appeals, and the College will not report the student to the relevant Australian Government departments, unless extenuating circumstances relating to the welfare of the student apply.

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 the relevant Australian government departments.

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 a representative of the College's Student Support Services and will not report the student to the relevant Australian Government departments.

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 compassionate or compelling circumstances have not been evidenced, then the College is obliged to notify the relevant Australian Government departments through PRISMS of the change to the student's enrolment, irrespective of whether or not the student has commenced an external appeal process.

Once the relevant Australian Government departments have 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 Border Protection (DIBP) a new Confirmation of Enrolment (CoE), or provide the DIBP with evidence that he or she has accessed an external appeals process.

#### 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, complaints 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, complaint 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 non-academic grievance, complaint 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, complaints 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, complaint or appeal.
- d) The Registrar shall maintain a *Register of Formal Grievance, Complaint 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, complaint 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 non-academic grievances and complaints, most concerns will be normally resolved at the informal stage (stage 1). This form of resolution provides an ideal opportunity for open and direct dialogue between the student and staff member. Additionally, informal resolution normally provides the most time effective mechanism for resolving non-academic grievances and complaints.

x) **Cost**

In stages 1 to 3 of the academic grievance, complaint and appeal procedure there will be no charge to the student. At stage 4, where a student elects to lodge a complaint with a mutually agreeable independent external arbiter or regulatory authority, the College may reimburse the student (in part or in full) if the appeal is found in the student's favour. In stage 4 cases 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.

### 3. Policy

i) A non-academic grievance or complaint may be made against any College non-academic decision, action or process.

ii) **Types of non-academic grievances, complaints or appeals**

Types of non-academic grievances, complaints or appeals may include, but are not limited, to:

- a) matters arising from administrative admissions, enrolment or timetabling processes;
- b) matters arising from decision made by the College concerning a non-academic misconduct matter;
- c) matters relating to the financial status of a student, except those relating to Tuition Fee refunds or FEE-HELP reimbursements (*refer to Section 1 Purpose and Scope, items (iv)(d)-(e) above*);
- d) discrimination, harassment, bullying or intimidating behaviour towards an intending, current student, staff member, educator or any other person associated with the College; and/or
- e) complaints regarding personal information the College holds in relation to the student or lack of access to College facilities required for study.

*Note: Matters concerning a student's unsatisfactory course progress or unsatisfactory course attendance fall under the College's Academic Grievances, Complaints and Appeals Policy.*

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

iv) A student who is dissatisfied with a College non-academic decision, action or process has the right to have the matter or decision reviewed and to appeal the decision.

v) Non-academic grievances or complaints should normally be lodged up to 10 working days from the date of occurrence of the aggrieved matter.

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

## 4. Procedures

### Stages of the Non-Academic Grievances, Complaints and Appeals Resolution Process

- i. There are four stages in the processes associated with the resolution of a non-academic grievance, complaint or appeal with each stage representing an increase in the level of formality with which the grievance, complaint or appeal is managed. The stages of the process are:
  - Stage 1. **Informal Discussion/Negotiation** between the student and staff member involved, and/or the supervisor of the staff member involved.
  - Stage 2. **Formal Internal Grievance/Complaint/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 Principal and Executive General Manager**
  - 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, the student must present evidence that the previous determination was lacking in either 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** between student and staff member involved to resolve the grievance or complaint.

Normally within 10 working days of the occurrence of the non-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. Students may contact the staff member in person via email to the staff member's College email address or by phone and request telephone transfer to the staff member.

ACAP students telephone: 1800 061 199

NCPS students telephone: 1800 783 661

HSA students telephone: 1300 306 886

ATTC students telephone: 1300 730 466.

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

Following the discussion, the staff member will investigate the grievance or complaint 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 or complaint. This response will briefly outline the nature and grounds of the student's grievance or complaint and the staff member's decision on the matter. This response will also include a copy of the College's Non-Academic Grievances, Complaints 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 NON-ACADEMIC GRIEVANCES, COMPLAINTS AND APPEALS COMMENCES FROM STAGE 2**

## **Stage 2. Formal Internal Grievance/Complaint/Appeal**

A student at this stage may:

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

The student should normally lodge their formal grievance, complaint or appeal within 10 working days of the grievance or complaint's 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, complaint and appeal stages. As such, the student must express the nature and grounds of their grievance, complaint or appeal, in writing, via email or letter. Stage 2 non-academic grievances, complaints and appeals should be marked to the attention of either the Regional Director of the campus or Head of School of the faculty in which the student is enrolled and sent by mail to Level 11, 255 Elizabeth Street, Sydney, NSW 2000 or email to:

ACAP students: [complaints@acap.edu.au](mailto:complaints@acap.edu.au)

NCPS students: [complaints@ncps.edu.au](mailto:complaints@ncps.edu.au)

HSA students: [complaints@healthskills.com.au](mailto:complaints@healthskills.com.au)

ATTC students: [attc.complaints@navitas.com](mailto:attc.complaints@navitas.com)

In this written communication, the student should:

- a) make clear the nature and grounds for his or her grievance, complaint 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, complaint 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:

- a) 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;
- b) 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
- c) 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, complaint or appeal.

If the student has lodged an initial grievance or complaint, 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 Non-Academic Grievances, Complaints 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 the Principal and Executive General Manager**

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. Stage 3 academic grievances, complaints and appeals should be marked to the attention of the Principal and Executive General Manager and sent by mail to Level 11, 255 Elizabeth Street, Sydney, NSW 2000 or email to:

ACAP students: [complaints@acap.edu.au](mailto:complaints@acap.edu.au)

NCPS students: [complaints@ncps.edu.au](mailto:complaints@ncps.edu.au)

HSA students: [complaints@healthskills.com.au](mailto:complaints@healthskills.com.au)

ATTC students: [attc.complaints@navitas.com](mailto:attc.complaints@navitas.com)

As part of this communication the student should:

- a) make clear the nature and grounds for his or her grievance, complaint 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, complaint or appeal, where available (which may include new evidence).

The Principal and Executive General Manager will investigate the case presented with procedural fairness.

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

- a) consult with relevant academic and administrative staff, as well as students of the College, on matters pertaining to the case; and/or
- b) 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/complaint/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 Non-Academic Grievances, Complaints 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 4.

#### **Stage 4. External Appeal**

Higher education and vocational education and training (VET) students dissatisfied with the outcome of the internal grievance, complaint and appeals process have a number of external appeal options available to them. There may be costs for lodging an external grievance, complaint or appeal. For further details on these costs refer to *Section 2 Principles, item (x) Costs* above.

##### Higher Education students

Domestic students can elect to take their grievance, complaint or appeal to a mutually agreeable independent external arbiter nominated by the student or the College.

- The College may request an appropriate representative from another tertiary education provider to act as an independent external arbiter.
- There are also a number of professional associations that can assist. One such agency is *Leadr*, the national association of dispute resolvers. For further information refer to the website at [www.leadr.com.au](http://www.leadr.com.au)
- Students will be liable for any fees charged by an independent external arbiter (refer to *Section 2 Principles, item (x) Costs* above).

Domestic higher education students seeking to take the matter further to one of the College's independent review mechanism for complaints should contact the College Registrar by email to [registrarsoffice@navitas.com](mailto:registrarsoffice@navitas.com) or phone (02) 9964 6394.

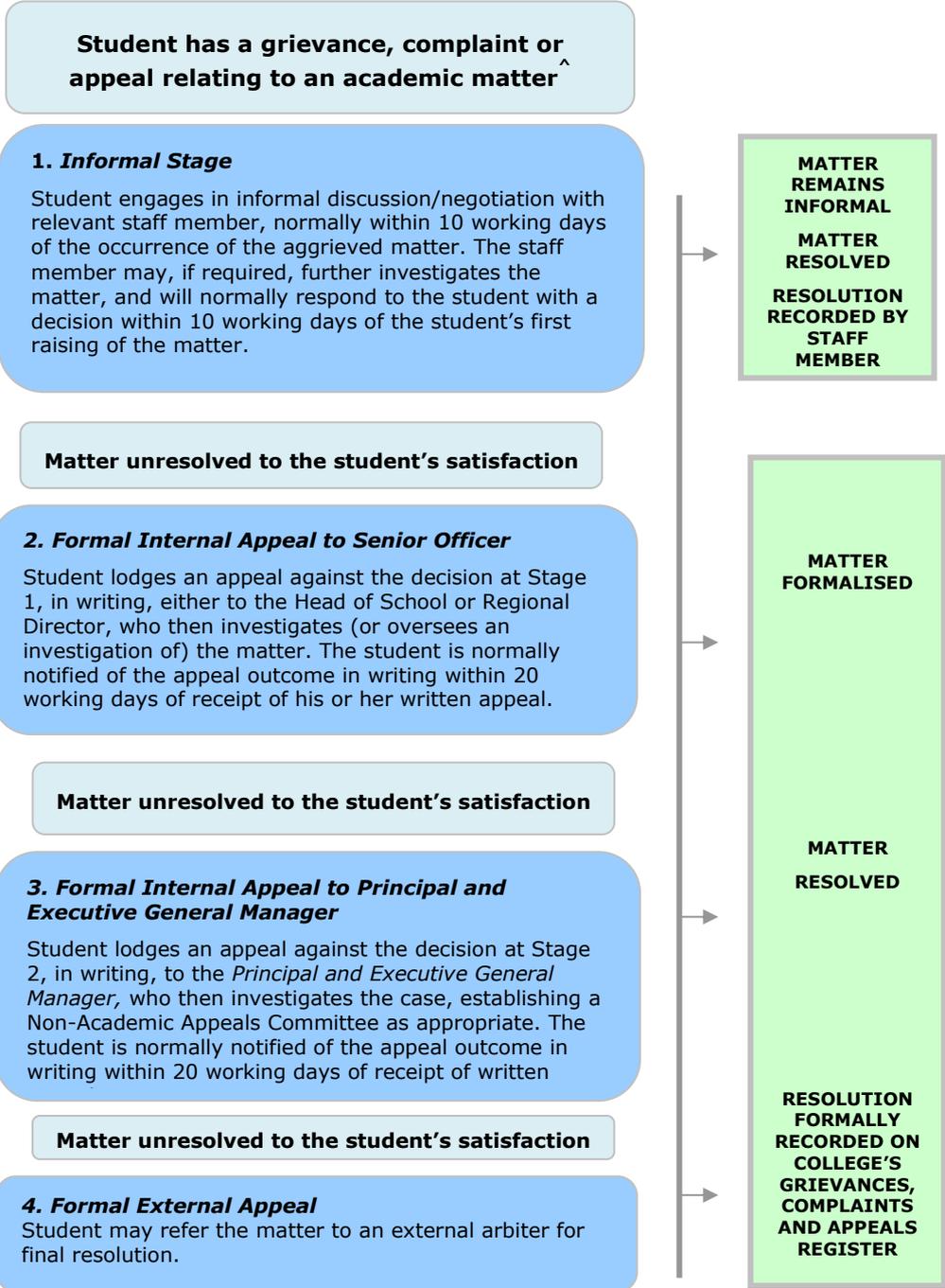
International students intending to study or studying on a student visa seeking to take the matter further can elect to take their grievance, complaint or appeal to the Overseas Students Ombudsman. This is a free, independent and impartial Australian Government service for international students. For further details refer to *Ombudsman: [www.oso.gov.au](http://www.oso.gov.au)*.

##### Vocational Education and Training students

VET students seeking to take the matter further can elect to take their grievance, complaint or appeal to Australia's national VET regulator, the Australian Skills Quality Authority (ASQA). For details refer to <http://www.asqa.gov.au/complaints/complaints.html>.

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.

# Flow Chart of Non-Academic Grievances, Complaints and Appeals Procedure



## 5. Responsibilities

The **Principal and Executive General Manager** and **Dean Academic** are accountable for the ongoing development, approval, implementation, awareness and effectiveness of this Policy

**The Registrar**, oversees the institution's grievances, complaints and appeals processes formal complaints processes and their effective resolution.

**Executive members, Heads of School and functional managers** are responsible for ensuring their employees are aware of this Policy and their responsibilities defined herein.

**Academic and professional staff** are responsible for being aware of, and complying with this Policy.

**Students** are responsible for being aware of, and complying with this Policy and should seek assistance from appropriate sources in respect of this policy where necessary.

## 6. Definitions

Unless the contrary intention is expressed in this Policy, the following words (when used in this policy) have the meaning set out below:

**Academic staff/teaching staff** refers to permanent and casual employees engaged in teaching and assessment of courses at the institution.

**Appeal** refers to a request to reconsider a non-academic decision made in the context of this document.

**Complaint** refers to an expression of dissatisfaction with a decision, action or process within the College in this case regarding non-academic matters.

**Grievance** has the same meaning as complaint in this case regarding non-academic matters (refer to complaint above).

**Extenuating circumstances** relating to the welfare of the student may include, but are not limited to the following. The student:

- is missing;
- has medical concerns, severe depression or psychological issues which lead the provider to fear for the student's wellbeing;
- has engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others; or
- is at risk of committing a criminal offence.

Any claim of extenuating circumstances will need to be supported by appropriate evidence.

**International student/Overseas student** means a student required to hold a student visa for study in Australia.

**Institution (the)/College (the)** means the Navitas Professional Institute and its colleges (see registration information below).

**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 colleges 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.

**Unit** means a unit of study in a higher education course or a unit of study, subject, module and/or unit of competency in a vocational education and training course.

## 7. Review

This policy is reviewed at a minimum of every 5 years by the policy owner (or designate) to ensure alignment to appropriate strategic direction and its continued relevance to Navitas' current and planned operations.

The next scheduled review of this document is listed in the Version Control section on Page 1.

## 8. Records

Records in association with this policy will be kept in accordance with the institution's Records Management Policy and Records Retention and Disposal Schedule. Confidential files related to the implementation of the policy must be maintained according to relevant privacy processes.

## 9. Related documents

Principles of Procedural Fairness Policy, Academic Grievances, Complaints and Appeals Policy and Procedure, Privacy of Student Personal Information Policy, Cultural Awareness Policy, International Student Transfer Between Registered Providers Policy, Disciplinary Policy and Procedure Staff, and Staff Induction Policy.

College Governance Framework; College Delegations of Authority; Records Management Policy; Records Retention and Disposal Schedule; related information in the Student Handbook.

## 10. Related legislation

Higher Education Support Act 2003; Tertiary Education Quality and Standards Agency Act 2011; National Vocational Education and Training Regulator Act 2011; Education Services for Overseas Students (ESOS) Act 2000 and National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007; and associated Commonwealth and State legislation; Australian Qualifications Framework.

## Registration information

The Navitas Professional Institute is a group of colleges in the Navitas Professional and English Programs (PEP) Division of Navitas Limited the colleges being the Australian College of Applied Psychology (ACAP), Navitas College of Public Safety (NCPS), Health Skills Australia (HSA), and the Australian TESOL Training Centre (ATTC) with respect to ATTC's 39296QLD Graduate Certificate in TESOL and 39297QLD Graduate Diploma in TESOL courses. Navitas Professional Institute Pty Ltd (NPI Pty Ltd), ABN 94 057 495 299, National CRICOS Provider Code 01328A, TEQSA HE Provider Registration Code 12009, RTO 0500. Health Skills Australia Pty Ltd ABN 53 123 479 201, RTO 21646.