

GRIEVANCES, COMPLAINTS AND APPEALS PROCEDURE

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Approved by	Executive Council	16 February 2018
Responsible Person	Campus Manager	
Related Documents	Grievances, Complaints and Appeals policy	
References and Legislation	Tertiary Education Quality and Standards (TEQSA) Act 2011 (Cth); Higher Education Standards Framework (Threshold Standards) 2015; Education Services for Overseas Students Act 2000 (Cth); Education Services for Overseas Students Regulations 2001; National Vocational Education and Training Regulator Act 2011; Migration Act 1958 (Cth); National Code of Practice for Providers of Education and Training to Overseas Students 2018; the Higher Education Support Act 2003 (Cth); Privacy Act 1988 (Cth)	

1. Purpose:

It is recognised that from time to time disputes may arise. The Australian College of Applied Psychology is committed to resolving all disputes between students and the College and its staff as quickly and as sensitively as possible.

This procedure should be read in conjunction with the Grievances, Complaints and Appeals Policy.

2. Scope:

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.

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

3. Definitions:

Term	Definition
<i>Academic staff / teaching staff</i>	Permanent and casual employees engaged in teaching and assessment of courses at the institution.
<i>Appeal</i>	A request to reconsider an academic decision made in the context of this document.
<i>Grievance</i>	A generic term including any expression of dissatisfaction with some aspect of a student’s experience with the College (including with agents or other related parties who represent or act on behalf of the College). In this policy, grievances will refer to those that are addressed informally and usually resolved easily (e.g. by a discussion with local staff, clarification of a misunderstanding etc.).
<i>College (the)</i>	The Australian College of Applied Psychology.

Term	Definition
<i>Complaint</i>	A grievance that involves a formal process for resolution.
<i>International student/ Overseas student</i>	A student required to hold a student visa for study in Australia.
<i>Extenuating circumstances</i>	<p>Relating to the welfare of the student may include, but are not limited to the following. The student:</p> <ul style="list-style-type: none"> ▪ 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. <p>Any claim of extenuating circumstances will need to be supported by appropriate evidence.</p>
<i>National Code</i>	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.
<i>Unit</i>	A unit of study in a higher education course or a unit of study, module and/or unit of competency in a vocational education and training course.

4. Procedure:

4.1 Stages of the Grievance, Complaint and Appeal Resolution Process

- i) There are four stages in the processes associated with the resolution of a 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** normally between student and staff member involved, and/or the supervisor of the staff member involved.
 - Stage 2** **Formal Internal Complaint**, which is managed by the National Manager of Student Experience.
 - Stage 3** **Formal Internal Appeal**, which is managed by the Dean for academic matters or the National Manager of Student Experience for non-academic matters.
 - Stage 4** **External Appeal**, which may be dealt with by The Resolution Institute 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 judgement and/or due process. If this is impractical, complainants should communicate with the National Manager of Student Experience.
- 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.

4.2 Stage 1. Informal discussion/negotiation

Informal discussion/negotiation is between the student and staff member involved, and/or the supervisor of the staff member involved.

Normally within 10 working days of the occurrence of the grievance or complaint 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 grievance or complaint and, where applicable, provide evidence to support any claims.

Following 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 within 10 working days of the student's initial raising of their grievance or complaint.

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.

4.3 Stage 2. Formal Internal Complaint

A student dissatisfied with the outcome of stage 1 should lodge a formal complaint 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.

The student should submit their complaint through the [College's online form](#)

The student should in this written communication:

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

Once a student submits their complaint using the online form, they will receive a reference number which will allow them to follow up with the National Manager of Student Experience.

The staff member appointed to 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 staff member will respond to the student in writing within 20 working days of receipt of the student's written complaint.

This communication will also include a copy of the College's Grievances, Complaints and Appeals Policy and related 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.

4.4 Stage 3. Formal Internal Appeal to 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.

At this stage, the student must express the nature and grounds of their appeal through the [College's online form](#)

The student should as part of this communication:

- a) make clear the nature and grounds for his or her appeal;
- b) provide the date of the initial decision (if applicable);
- c) explain why a reconsideration is being requested (if applicable);
- d) 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
- e) attach evidence that supports his or her grounds for grievance, complaint or appeal, where available (which may include new evidence).

The National Manager of Student Experience will investigate non-academic appeals and the Dean will investigate academic appeals.

The Dean may establish an Academic Appeals Committee of two or three members nominated by the Dean, which may include a member of the broader Careers and Industry Academic staff or one of its standing Committees. The staff member to whom a formal grievance or complaint 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 within 20 working days of receipt of the student's written appeal.

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

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

This communication will also include a copy of the College's Grievances, Complaints and Appeals Policy and related 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.

4.5 Stage 4. External Mediation and Dispute Resolution (Domestic Students)

If the complainant is not satisfied with the outcome of the appeal in Stage 3, they should contact the National Manager of Student Experience and advise that they wish the matter be dealt with through an external dispute resolution process.

The College uses the Resolution Institute as an independent external arbiter to review outcomes. For further information refer to the website at <https://www.resolution.institute/> Students will be liable for any fees charged by an independent external arbiter.

The National Manager of Student Experience will contact The Resolution Institute to notify them that a request has been made for external mediation and dispute resolution within five (5) working days of the request. The Resolution Institute will appoint a suitably qualified mediator and make arrangements for a mediation to be held between the College and the complainant, as soon as practicably possible after receiving notification from the College.

The mediator will undertake the mediation in line with the approved Mediation Model and Rules of The Resolution Institute. This includes the mediator assisting the College and the complainant to identify the issues between them, and to explore options for, and if possible achieve the expeditious resolution of the dispute, by agreement between the College and the complainant.

The complainant or any respondent to the complaint may ask another person to accompany them to the external mediation. This support person is not the primary negotiator and is only able to speak at the mediator's discretion.

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

Contact Details for The Resolution Institute:

Level 2, 13-15 Bridge Street
Sydney NSW 2000
Phone: (+612) 92513366
Fax: (+612) 92513733
Freecall: 1800 651650
Email: jnfoaus@resolution.institute
Website: <http://www.resolution.institute/>

There may be costs for lodging an external complaint or appeal. For further details on these costs refer to section 4.10 in the College's Grievances, Complaints or Appeals Policy.

4.6 Stage 4. External Mediation and Dispute Resolution (International Students)

International students intending to study or studying on a student visa seeking to take the matter further can elect to take their 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).

Contact Details for the Overseas Students Ombudsman:

Overseas Students Ombudsman
GPO Box 442, Canberra ACT 2601
Phone: 1300 362 072 (calls from mobile phones at mobile phone rates) or
+612 6276 0111 for calls from outside Australia
Fax: +612 6276 0123

In South Australia, the Office of the Training Advocate already provides a no cost, independent appeals process for overseas students and will continue to do so, with the Overseas Students Ombudsman referring complaints originating in South Australia to the Office of the Training Advocate.

Contact Details for the Office of the Training Advocate:

The Office of the Training Advocate
Ground Floor, 55 Currie Street, Adelaide SA 5000
GPO Box 320 Adelaide SA 5001
Phone: 1800 006 488 (This service is monitored after hours in urgent circumstances -in urgent circumstances please leave a message so an officer can contact you as soon as possible)
Email: trainingadvocate@sa.gov.au
Web: www.trainingadvocate.sa.gov.au/

Written notice of the decision made by the external arbiter will be given to each party and will include the reasons for the decision.

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.

5. Document Management Control

Date	Summary of Changes	Author
19/12/2005	Initial approval	Campus Manager
3/09/2010	V4.0 New version	Campus Manager
1/09/2011	V4.1 minor amendments	Campus Manager
31/10/2012	V4.2 minor amendments	Campus Manager
22/03/2014	V4.3 minor amendments	Campus Manager
4/4/2015	V4.4 minor amendments	Campus Manager
23/11/2015	Administrative update to new template and update related laws and regulations	Campus Manager
18/01/2016	Administrative update to include internal contact details	Campus Manager
19/04/2016	Administrative update to include revised external appeal contact details	Campus Manager
30/06/2017	Administrative update to business and academic titles and roles	Campus Manager
22/11/2017	Administrative update to business and academic titles and roles Stage 4 process	Campus Manager
16/02/2018	Administrative update to business changes. Separation of procedure from policy.	Campus Manager
12/10/2018	Change of template	VET Compliance Manager

Appendix

Flow Chart of Grievances, Complaints and Appeals Procedure

