

GRIEVANCES, COMPLAINTS AND APPEALS POLICY

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Responsible Person	Dean	
Related Documents	Grievances, complaints and appeals procedure, Tuition fees and refund policy and procedure, Re-crediting of HELP balance policy and procedure, Principles of Procedural Fairness	
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:

The Australian College of Applied Psychology (ACAP) operates on the basis that both:

- i. academic decisions (for example, in relation to assessment, course progression, teaching quality, curriculum, etc.) are entrusted to academic staff and;
- ii. 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. The College is committed to resolving all disputes between students and the College and its staff as quickly and as sensitively as possible.

This policy 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 students in resolving student grievances, complaints and appeals.

This policy should be read in conjunction with the Grievances, Complaints and Appeals Procedure.

2. Scope:

- 2.1 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.
- 2.2 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.
- 2.3 The policy and procedure set out in this document does not:
 - 2.3.1 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
 - 2.3.1 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.

- 2.4** This policy and related procedure is one of several internal dispute resolution policy mechanisms of the College. These are as follows:
- 2.4.1** For a dispute with respect to assessment appeals, students should initially follow the procedure for appealing an assessment result or final result;
 - 2.4.2** For a dispute with respect to other academic matters, which generally includes student progress, assessment curriculum, and awards in a course of study, refer to this Grievances, Complaints and Appeals Policy.
 - 2.4.3** For a dispute with respect to non-academic matters, which generally includes 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, refer to this Grievances, Complaints and Appeals Policy.
 - 2.4.4** For a grievance, complaint or appeal with respect to a refund of an upfront payment made direct to the College refer to the Tuition Fees and Refund Policy; and
 - 2.4.5** For a grievance, complaint or appeal concerning the reimbursement of FEE-HELP or VET Student Loans Assistance for a subject or unit refer to the re-crediting of HELP balance policy and procedure.

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

- 2.5** 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” in the procedure.
- 2.6** A student who is unsure which policy mechanism relates to the nature of their grievance or complaint should seek advice from the Administration and Student Services Team.

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>	Used as 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>Complaint</i>	A grievance that involves a formal process for resolution.
<i>Extenuating circumstances</i>	Relating to the welfare of the student may include, but are not limited to the following. The student: <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;

Term	Definition
	<ul style="list-style-type: none"> ▪ 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>College (the)</i>	The Australian College of Applied Psychology (ACAP).
<i>International student/ Overseas student</i>	A student required to hold a student visa for study in Australia.
<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 or unit of competency in a vocational education and training course.

4. Principles

The following principles underpin student grievance, complaint and appeals resolution processes against academic decisions:

4.1 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 is provided to all intending and/or applying 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.

4.2 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. Should more than 60 days be required, the College will inform the complainant/appellant.

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.

4.3 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.

4.4 Without disadvantage

A complainant that has made a complaint or appeal under this policy will not be disadvantaged by way of victimisation or discrimination.

4.5 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.

4.6 Continuation of College and module or unit 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.

- a) Domestic Students internal and external grievances, complaints and 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.
- b) 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, complaint 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, 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 the relevant Australian Government department through PRISMS of the change to 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, the College will not notify the relevant Australian Government department 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 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 Home Affairs (HA) a new Confirmation of Enrolment (CoE), or provide the HA with evidence that he or she has accessed an external appeals process.

4.7 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, 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.

4.8 Record-keeping and access to records

- a) Records of complaints and appeals and their outcomes will be kept strictly confidential and stored in Tickit, which is a secured risk management software package. Records will be managed by the National Student Experience Manager and maintained for a period of at least five years and destroyed as per the College's Records Retention and Disposal Schedule.
- b) 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.

4.9 Resolution

Given the nature of many grievances and complaints, the College expects that 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 relevant staff member. Additionally, informal resolution normally provides the most time effective mechanism for resolving grievances and complaints.

4.10 Cost

In stages 1 to 3 of the grievance, complaint and appeal procedure there will be no charge to the student. At stage 4, where a student elects to lodge a complaint or appeal with a mutually agreeable independent external arbiter, 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.

4.11 Advocacy and Support for Students

The complainant and/or respondent will have the right to have a representative present who may be a relative, friend or colleague, but not a legal representative, during any negotiations with the College or its representatives.

5. Policy

5.1 A grievance or complaint may be made against any College decision, action or process.

5.2 Types of grievances, complaints or appeals against academic decisions

Types of grievances, complaints 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.

5.3 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 HELP debt reimbursements (refer to 2.4 d & e);
- 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.

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

5.5 A student who is dissatisfied with a College decision, action or process has the right to have the matter or decision reviewed and to appeal the decision.

5.6 Grievances or complaints should normally be lodged up to 10 working days from the date of occurrence of the aggrieved matter.

5.7 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.

5.8 Grievances, Complaints and Appeals Concerning an Assessment Result or Final Result
Where the grievance or complaint concerns an assessment result or final result the student must initially follow the College’s processes for appealing an assessment result or final result, which includes lodging an Assessment Appeal Application Form.

5.9 If the internal or any external complaint handling or appeal process results in a decision that supports the student, the College must immediately implement any decision and/or corrective and preventative action required and advise the student of the outcome as soon as practicable.

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

Date	Summary of Changes	Author
16/02/2018	Administrative update to business changes	Campus Manager
12/10/2018	Change of template	VET Compliance Manager