



Student Complaint and Appeal Procedure

Policy supported	Student Complaint and Appeal Policy
Procedure Code	ACA-HE-03
Procedure owner	Principal
Responsible Officer	Head of Academic Support and Student Services
Approving authority	Principal
Contact Officer	Head of Academic Support and Student Services
Approval date	18 November 2019
Commencement date	19 November 2019
Review Date	3 years
Version	2019.1
Related Documents	Assessment Request for Review Form Management of Personal Information Policy Notice of Appeal Form Records Management Policy Student Admission Policy Assessment Appeal Policy Assessment Appeal Procedure Student Complaint Application Form Student Complaint and Appeal Policy Student Handbook Institutional Governance Framework

1. Purpose

The purpose of this Procedure is to outline the protocols associated with the **Student Complaint and Appeal Policy** and the **Assessment Appeal Policy** and **Assessment Appeal Policy Procedure** which ensures that the Institute responds effectively, expeditiously and equitably to cases of dissatisfaction.

2. Scope

The Procedure can be utilised by students and those seeking to enrol in a course of study with the Institute, to submit a complaint of an academic or non-academic nature. It will be made available to students and those seeking to enrol with the Institute, regardless of the location of the campus at which the complaint has arisen, the mode in which they study, or their place of residence. If the student chooses to utilise this Procedure, the Institute will maintain the student's enrolment while the complaint and appeals process is ongoing.

Complaints of an academic nature include matters related to student progress, assessment, curriculum and awards in a course of study. Complaints of a non-academic nature include all other matters.

During all stages of this Procedure, the Institute will take all steps to ensure that:

- The complainant and any respondent have the opportunity to present their case at each stage of the Procedure.
- The complainant and any respondent have the option of being accompanied/assisted by a third person (such as a family member, friend or counsellor) if they so desire in formal interviews.
- The complainant is entitled to ask for assistance in the form of a translator/interpreter at any time during the process.
- The complainant and any respondent will not be victimised or discriminated against.

- At all stages of the process, discussions relating to complaints and appeals will be recorded in writing. A full explanation in writing for decisions and actions taken as part of this Procedure will be provided to the complainant and/or any respondent if requested.

Students should continue their studies as usual during the complaint procedure, except in circumstances where their well-being, health or safety is potentially at risk, or where the student poses a risk to the well-being, health or safety to others.

There is no cost to the complainant for utilising the internal stages of this complaint and appeals process. Costs for an external appeal will be shared equally by the Institute and the complainant.

Nothing in the ***Student Complaint and Appeal Policy*** and associated Procedure limits the rights of students or persons seeking to enrol with the Institute to take action under Australia's Consumer Protection laws. The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other higher education provider policies or under statute or any other law. In addition, these dispute resolution procedures do not circumscribe an individual's rights to pursue other legal remedies.

3. Definitions

See the ***AIH Glossary of Terms*** for definitions.

4. Actions and Responsibilities

4.1 Before an Issue Becomes a Formal Complaint

Students (or persons seeking to enrol with the Institute) are encouraged, wherever possible, to resolve concerns or difficulties directly with the person(s) concerned. Academic Staff, Administration Staff and Student Support Officers are available to assist students resolve their issues at this level. This step is mandatory for grievances regarding assessment marks, but for all other grievances students may proceed directly to lodging a Formal Complaint.

A process for requesting a review of an assessment decision forms part of the ***Assessment Appeal Policy*** and ***Assessment Appeal Procedure***. Students should utilise this process in the first instance if they wish to have an assessment decision reviewed. Students who remain dissatisfied with the outcome of the review of their assessment decision may then progress to the ***Student Complaint and Appeal Procedure*** as shown in the Section 4.7 Stage 1 Flow Chart.

4.3 Stage One – Formal Complaint

Formal complaints must be submitted by completing the ***Student Complaint Application Form*** and submitting to student services. The process is outlined in Section 4.7 Stage 1 Flow Chart.

- Students will submit formal complaints to student services.
- In the case that a student has submitted a complaint form directly to another department or staff member, they will be directed to re-submit to student services for processing. In cases deemed sensitive or at the student's request, the complaint form can be submitted directly to Academic Support Services via registrar@aih.nsw.edu.au.
- Student services processes the complaint form, check that all evidence is included, and submits to Academic Support Services via registrar@aih.nsw.edu.au.
- The Academic Support Services Officer, will process the formal complaint, notify the student that the complaint has been received, collate the evidence, and refer the case to the Principal (or delegate) for investigation within 5 working days.
- The Principal (or delegate) will take all reasonable measures to resolve the complaint as soon as practicable.

- The Principal (or delegate), will, if necessary, seek to clarify the outcome that the complainant hopes to achieve. Such clarification may be sought by written request or by a face-to-face interview with the complainant. When such clarification occurs in a face-to-face interview, the complainant will have an opportunity to formally present his/her case. The complainant or the respondent may bring a support person to accompany them to any such meeting.
- The Principal (or delegate), will then provide a written notification to the complainant within 20 working days with the outcome of the formal complaint and any steps taken to address the complaint. If for some reason the investigation or determination takes longer, the student will be advised in writing.
- The complainant will be advised of their right to access Stage Two of this Procedure if they are not satisfied with the outcome of Stage One.
- If this stage of the complaint handling process results in a decision that supports the student, the Institute's Principal (or delegate) will immediately implement any decision and/or corrective and preventative action required, and advise the student of the outcome.

4.4 Stage Two - Appeal

If a complainant is dissatisfied with the outcome of their formal complaint, they may lodge an appeal by completing the **Notice of Appeal Form** within 10 working days of the determination being made. The process is outlined in Section 4.7 Stage 2 Flow Chart.

- Students will submit the appeal form to student services. In the case that a student has submitted an appeal form directly to another department or staff member, they will be directed to re-submit to student services for processing. In cases deemed sensitive or at the student's request, the appeal form can be submitted directly to Academic Support Services via registrar@aih.nsw.edu.au.
- Student services processes the appeal form, check that all evidence is included, and submit to Academic Support Services via registrar@aih.nsw.edu.au.
- The Academic Support Services Officer, will process the appeal form, notify the student that the complaint has been received, collate the evidence, and refer the case to the Principal (or delegate) for investigation within 5 working days.
- The Principal (or delegate) will take all reasonable measures to resolve the appeal as soon as practicable.
- The appeal must set out the grounds for the appeal and supporting evidence should be provided in addition to any new information not previously provided in support of the complaint. In the case of an assessment appeal, the student must refer one or more grounds stated in the **Assessment Appeal Policy**.
- The appeal will be sent to the Chair of the Appeals Committee who has the power to review the determination of the complaint in favour of the complainant without convening the Appeals Committee.
- The Appeals Committee membership and terms of reference are outlined in the Institutional Governance Framework.
- Where the Chair of the Appeals Committee decides to grant the appeal application, the Chair will provide a written notification to the complainant within 20 working days, advising the complainant of the outcome of the appeal and outlining any further steps taken to address the complaint.
- The complainant will be advised of their right to progress to Stage Three of the complaint Procedure if they consider the matter unresolved.
- If the outcome of the complaints and appeals process requires the suspension or cancellation decision to proceed, PRISMS will be updated once Stage One and Stage Two of the complaints and appeal process is concluded.

4.5 Stage Three – External Review

Domestic students:

If the Complainant is not satisfied with the outcome of their appeal, then an independent mediator can be requested through the Resolution Institute (LEADR/IAMA). Complainants can contact the Resolution Institute directly as follows:

Address: Level 1 and 2, 13-15 Bridge Street, Sydney NSW 2000

Phone: 02 9251 3366

Freecall: 1800 651 650

Fax: 02 9251 3733

Email: infoaus@resolution.institute

Costs of such mediation will be shared equally by the Institute and the complainant. As a guide mediator's costs would be \$440 for the first four hours (or part thereof). Subsequent hours would be \$165 per hour. It is common for most disputes to be resolved within the initial four-hour allocation.

The Institute will give due consideration to any recommendations arising from the external review of the complaint within 30 days of receipt of the recommendations and the Principal (or delegate) will ensure that they are fully implemented.

International students:

If an international student is dissatisfied with the outcome of their internal appeal, then they can access an external appeals process through the Overseas Students Ombudsman at no cost. The Overseas Students Ombudsman offers an independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their training provider. Refer to the Overseas Students Ombudsman website <http://www.oso.gov.au> or phone 1300 362 072 for more information.

The Institute will give due consideration to any recommendations arising from the external review of the complaint within 30 days of receipt of the recommendations, and the Principal (or delegate) will ensure that they are fully implemented.

Further Action:

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

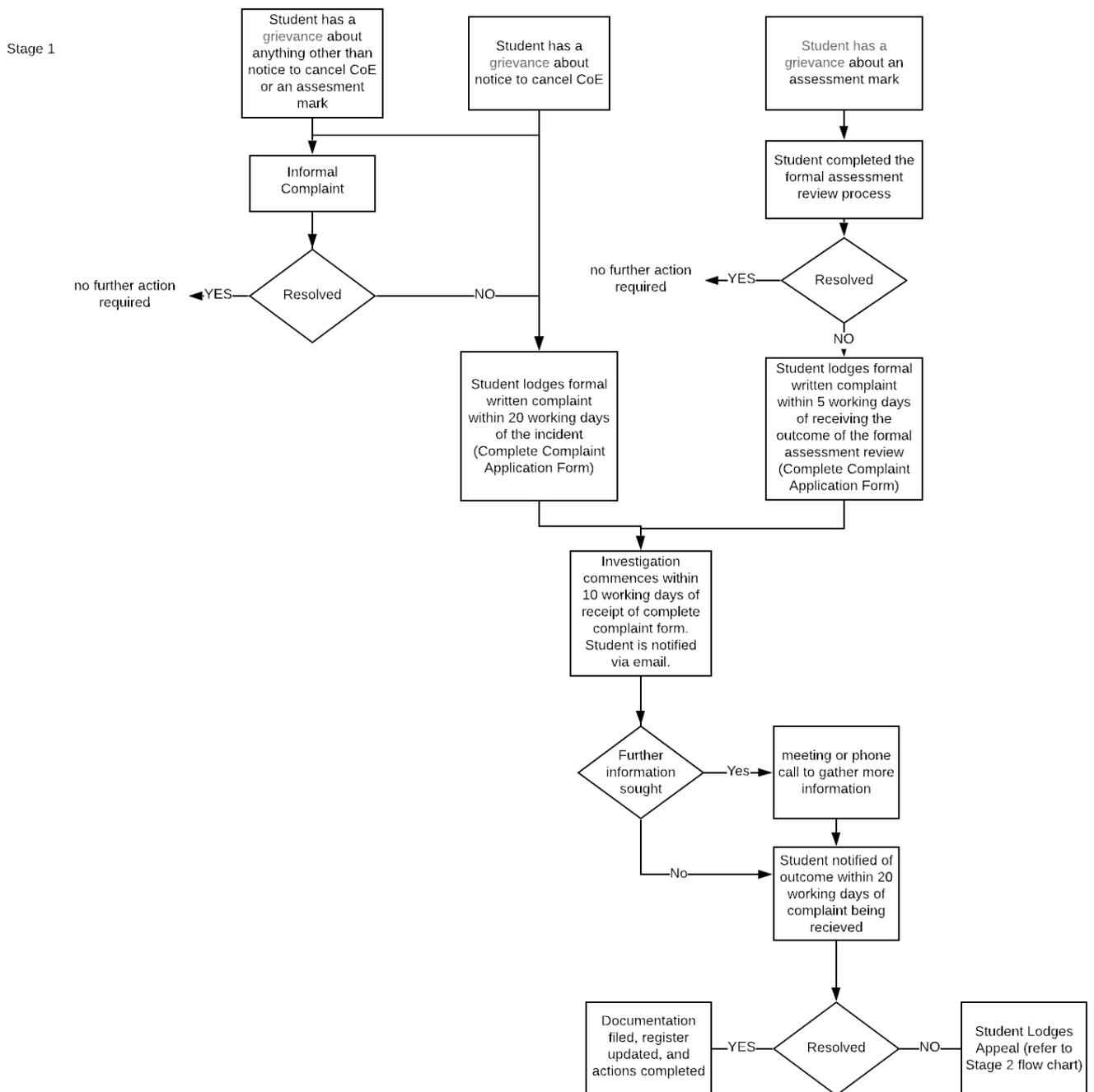
For complaints relevant to a the Institute's compliance with the Higher Education Threshold Standards or the TEQSA Act, students may wish to lodge a complaint with the Tertiary Education Quality and Standards Agency (TEQSA). For further information, please go to the TEQSA website: <http://www.teqsa.gov.au/complaints>.

4.6 Record keeping and Confidentiality

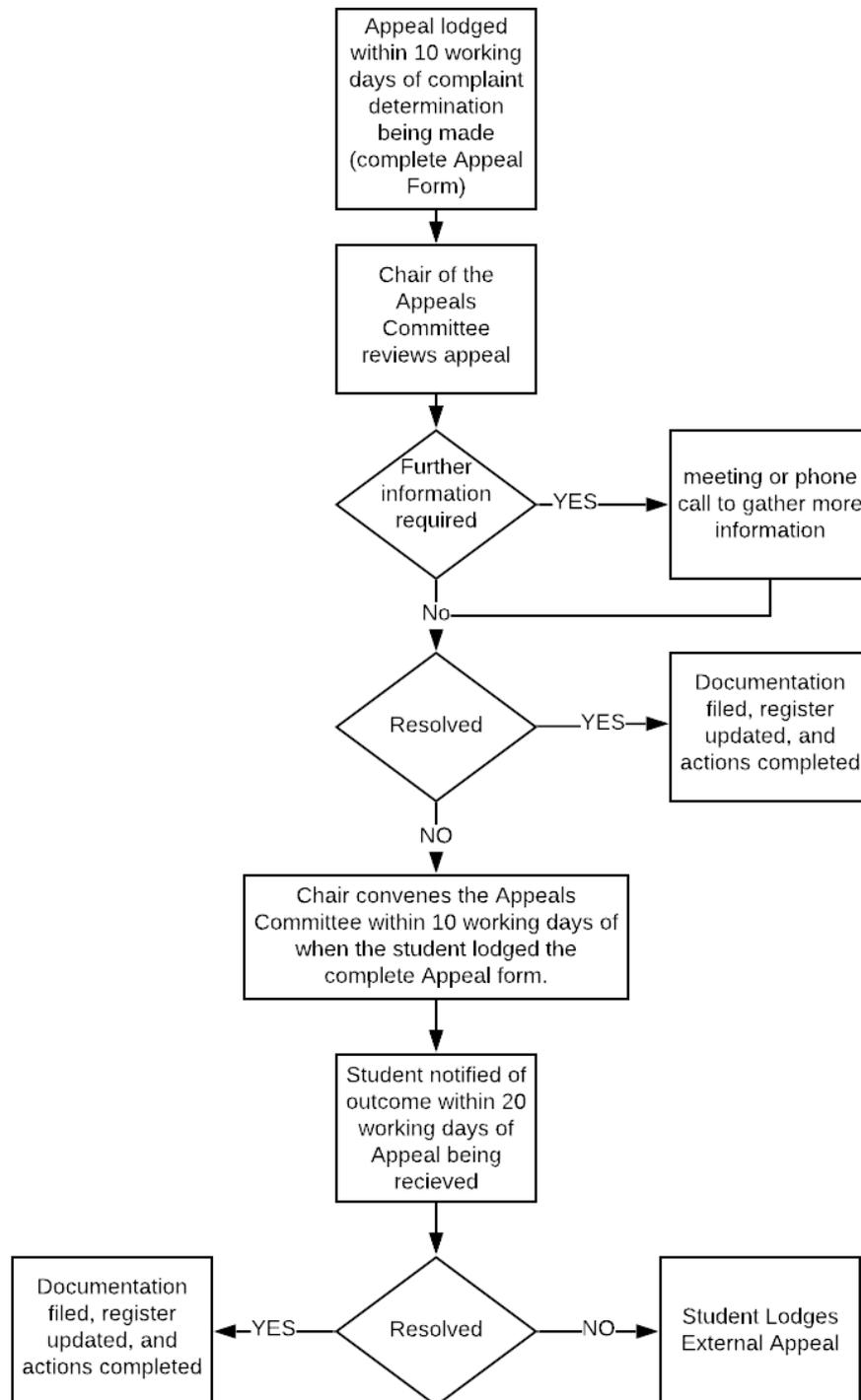
Records of all complaints handled under this Procedure and their outcomes shall be maintained for a period of at least 5 (five) years to allow all parties to the complaint appropriate access to these records, upon written request to the Principal.

All records relating to complaints will be treated as confidential and will be covered by the Institute's **Records Management Policy** and **Management of Personal Information Policy**.

4.7 Complaint and Appeals Procedure Flow Chart



Stage 2



5. Version Control

This Procedure has been endorsed by the Australian Institute of Higher Education Principal as at November 2019 and is reviewed every 3 years. The Procedure is published and available on the Australian Institute of Higher Education website <http://www.aih.nsw.edu.au/> under 'Policies and Procedures'.

Change and Version Control				
Version	Authored by	Brief Description of the changes	Date Approved:	Effective Date:
2016-2	Registrar	Updated template.	6 July 2016	6 August 2016
2017-1	Ms. McCoy	Content updated.	22 February 2017	6 March 2017
2017-2	Registrar	Included TEQSA as an avenue for appeal. Updated appeals process.	19 July 2017	20 July 2017
2019.1	Principal	Updated the titles and Section 4 processes as well as flowcharts.	18 November 2019	19 November 2019