



# Grievances, Complaints and Appeals Policy and Procedure

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## Scope

This policy was developed for the University of Adelaide College (hereby referred to as “the College”) operated by Kaplan Higher Education Pty Ltd under the terms of the Preferred Pathway Provider Agreement entered into with the University of Adelaide (hereby referred to as “the University”).

This policy applies to:

- all current students who have accepted the College’s Conditions of Enrolment;
- all applicants who formally applied to be enrolled at the College;
- parents or legal guardians of current students or prospective students under the age of 18 years;
- any third party providing services on Kaplan’s behalf to current or prospective students (such as education agents, student accommodation providers, workplace supervisors).
- all staff members involved in the complaints and appeals process.

This policy is to be used in the management of all grievances, complaints and appeals relating to all aspects of a student’s educational experience and learning environment at the College.

## Purpose

The purpose of this Policy is to provide:

- a framework for managing grievances, complaints and appeals;
- a process for investigation of grievances, complaints and appeals;
- a fair, equitable and confidential means of resolving grievances, complaints and appeals.

This policy follows the guidelines of the Higher Education Standards Framework (Threshold Standards) 2015, Section 2.4 (Standards 2.4.1 – 2.4.5) and the National Code of Practice for Providers of Education and Training to Overseas Students 2018, specifically Standard 10, as well as other relevant legislation.

The College is committed to resolving any complaint or grievance promptly, equitably and in a professional manner that respects the privacy of all parties involved.

## Definitions

A **grievance** is defined as a “cause for complaint, especially of unjust treatment”. Common sense should be used before expressing a grievance. The fact of failing a course or a particular assessment is not itself a grievance. There has to be an element of unfairness involved. It doesn’t have to be a failure – if a student has been unfairly given a mark that is lower than they deserve, and the teacher or lecturer will not correct this, then the student may have a grievance.

Grievances typically fall into two categories:

- minor issues that are suitable to be addressed informally and usually resolved easily by having a discussion with a staff member to clarify a misunderstanding;
- those involving a formal process for resolution – such grievances are known as a “complaint” or a “formal complaint”, to distinguish them from matters that are resolved informally.

A **complaint** is an expression of dissatisfaction by a student\* or person, as outlined in the scope of this policy (hereafter referenced as the complainant) about an issue related to a Kaplan qualification, or an individual associated with the College which requires review, investigation or action. All students are entitled to access the complaints process. Activities which may give rise to academic and/or non-academic complaints covered by this policy are listed below, but not limited to:

- academic programs (content or structure);
- subject enrolment, delivery, assessment, learning environment; outcomes, access to resources;
- student services and their processes (including contractor or employee conduct);
- individuals who believe that they have been treated unfairly on the grounds of access and equity;
- occupational health and safety concerns related to subject delivery and/or assessment;
- administrative action/inaction, procedure or decision.

An **appeal** is a process whereby a student or a person disputes a decision made by the College or a determination made in regard to a complaint or penalty in relation to an Act of Misconduct.

*\*Note: Students may include prospective students who have had some interactions with Kaplan (eg. via an agent or applied directly to Kaplan for a course), current students (irrespective of mode of participation) and past students (most likely limited to a defined period after completion).*

## Policy Principles

Complaints will be addressed based on their particular circumstances, however the following general principles will also be adhered to:

- All complaints will be made and dealt with in a timely manner according to the complaints process.
- Resolution of a complaint may be reached at any stage. Upon resolution, all further investigation ceases, unless, in the interests of improving the services, products or processes the manager involved in the investigation or resolution considers further investigation is warranted.

- Details of the complaint, its investigation and outcome will be documented and filed appropriately and can be requested at any stage of the process by the complainant or respondent.
- In the event of a complaint not being resolved internally, the College and the complainant may appoint an independent arbiter to review the complaints and recommend a solution.
- Complainants have a right to appeal if they believe their complaint has not been adequately resolved.
- All internal grievances, complaints and appeals by students, parents or prospective students are dealt with, at minimal or no cost.
- The complainant and respondent will not be victimised or discriminated against in any manner and all details of the complaint and subsequent investigation will remain strictly confidential.
- A student may seek confidential, independent professional advice at any stage of a complaint.
- The complainant is entitled to ask for assistance in the form of a translator/ interpreter at any time during the process.
- The complainant and respondent may bring one person (such as a friend, family member, counsellor or other support person) to represent/support them to any meetings during the complaint process. The support person should not be a legal practitioner and the student is obliged to notify the College that the person will be attending before the meeting.
- As per visa requirements, students will continue their studies as usual during the complaint and appeal process, except in circumstances where their health or safety is potentially at risk or if they pose a health or safety risk to others.
- For overseas students studying in Australia where the complaint relates to them being excluded from a course due to not completing their course in the required time frame, not achieving satisfactory attendance, or not making satisfactory course progress, the student will be notified in writing that they will be reported to the Department of Home Affairs (DoHA) and this may result in their student visa being cancelled. The student will be informed that they have 20 working days to access the appeals process.
- The outcome of each complaint and appeal will be analysed and recommendations for improvement of services will be recorded in the “Continuous Improvement Register” and implemented throughout the College’s operations.
- The Deputy Director (Corporate Services) will handle all formal complaints and the National Campus Director will respond to all appeals. Student Services and staff involved can respond to a grievance or informal complaint.
- Complaints and appeals that are frivolous, unreasonable, or lacking substance will be dismissed.

## Procedure

# Grievance and Complaint Process

### Stage 1: Grievance received

In the first instance, issues relating to a grievance should be raised informally with the staff member concerned. If this is impractical or the grievance cannot be resolved, the student or person (as outlined in the scope of this Policy) may request to speak with the Student Services Manager if it is a non-academic matter or the Academic Manager or Director of Studies (for GAE Program) if it is an academic matter. After discussions, if the student is not satisfied with the resolution of the grievance, a formal complaint may be lodged with the College.

### Stage 2: Lodging a Formal Written Complaint

All non-assessment related formal written complaints must be submitted within ten (10) working days of the incident. All assessment related formal written complaints must be submitted within three (3) working days of the release of results.

In exceptional circumstances e.g where a student is unable to provide a written submission due to a special circumstance requiring reasonable adjustments, the College may allow a formal complaint to proceed.

When lodging a formal complaint, complainants must complete the “*Complaint Form*”. To assist in the resolution of a complaint it is helpful if complainants include the following information when communicating their complaint:

- If lodging the complaint via email, use the word “Complaint” in the email subject line;
- If applicable, identify the subject/course and study period;
- Summarise the issues relating to the complaint;
- Provide any evidence of attempts to resolve the complaint – emails, examples, dates, times, etc;
- Specify the outcome that is being sought.

***Formal written complaints will be sent to the College Deputy Director at the address below:***

College Deputy Director (Corporate Services)

The University of Adelaide College,

Level 2, 132 Grenfell Street, Adelaide, 5000

Email: [college@adelaide.edu.au](mailto:college@adelaide.edu.au)

Once received, the College Deputy Director will send the complaints to the appropriate manager or delegate for investigation and processing.

The complainant will receive written confirmation within five (5) working days that their complaint has been received. Should the complainant not receive the confirmation within the five (5) working days, they may then contact the College.

## Stage 3: Investigation of Complaint

Upon receipt of a formal complaint, details will be recorded in the College's "Complaints and Appeals Register". All complaints will be investigated within ten (10) working days of it being received or as soon as practicable (depending on the nature of the complaint) and resolved by the College Deputy Director in accordance with this Policy.

Investigation of these complaints may involve:

- Reviewing worked examination papers or assignments;
- Reviewing procedures;
- Reviewing course materials or resources;
- Consulting with other course participants;
- Reviewing course evaluations
- Reviewing processes if the complaint relates to an administrative or financial matter (such as enrolments or fees refund);
- Reviewing information provided if the complaint relates to bullying and/or harassment;
- Review potential unfair treatment of individuals on grounds of access and equity;
- Review processes if there are WHS concerns regarding delivery of courses and/or assessments;
- Speaking to relevant staff members at the College to obtain further information.

Where possible, complaints will be resolved promptly.

## Stage 4: Interview conducted

Where there are grounds for further investigation of a complaint, particularly where it relates to learning, assessment or access and equity, a formal interview or meeting with the student(s) involved in the complaint may be conducted to agree on an appropriate resolution.

## Stage 5: Resolution of Complaint

Once the investigation has been conducted and a determination made, the complainant will receive a written response detailing the actions taken in response to the complaint and reasons of the outcome. This will usually occur within ten (10) working days of acknowledgement of the complaint, or as soon as practicable (depending on the nature of the complaint). If for some reason the investigation or determination takes longer, the complainant will be advised in writing.

If the College receives no communication from the complainant within ten (10) working days from the date of the written response, the complaint will be considered closed, except in exceptional circumstances.

Any determination made in relation to a formal complaint will be documented in the "Complaints and Appeals Register".

# Appeals Process

## Stage 1: Submitting an Appeal

### *Right to an Appeal*

Any complainant subject to a determination in relation to a complaint, who believes that they have grounds for appeal, is entitled to appeal that determination. For academic matters, the matter is escalated to the Appeals Committee. Whereas, non-academic matters will be referred to the National Campus Director or delegate for final determination.

All complainants on an Overseas Student Visa may be subject to an *Intention to Report Letter*.

### *Notice of Appeal*

If a complainant decides to appeal a determination, they must lodge a written “*Notice of Appeal*” within ten (10) working days of the determination being made.

Appellants on an Overseas Student Visa, subject to an *Intention to Report Letter* will be informed that they have twenty (20) working days to access the appeals process.

The appeal must set out the grounds of appeal and provide evidence supporting the grounds of appeal or any new information not previously provided in support of the complaint. It should also specify the outcome sought.

There is no cost incurred for the appellant during the appeals process and parties will not be discriminated or victimised during the appeal process.

### *Grounds of Appeal*

An appeal of a determination may be made on one or more of the following grounds:

- that new evidence of a relevant nature is available;
- that the decision was made without due consideration of relevant facts, evidence or circumstances;
- that there was bias, prejudice or a conflict of interest by the investigative or hearing body; or
- that some significant policy/procedural irregularity occurred in the investigative or hearing process.

### *Students may not appeal against Academic Results based on:*

- student workload or the amount of work the student has done;
- subject structure and assessment methods;
- financial implications of not passing the unit/subject;
- grades received by the student in other units/subjects;
- the need for additional marks to enable a pass/better grade.

## Stage 2: Investigation of Appeal

### *Formation of the Appeals Committee*

The Academic Board appoints the Appeals Committee. It will comprise at least three (3) members of the Academic Board and must not include any member who has:

- a personal involvement or connection with the appellant, or with the matters to be heard, or
- been involved in any activity that has or could potentially lead to bias, prejudice or a conflict of interest or would lead a reasonable person to conclude a bias, prejudice or conflict of interest in relation to the appeal.

The membership may include a non-voting secretary who is responsible with keeping records of the hearing.

### *Duties of the Chair of the Appeal Committee or the National Campus Director*

On receiving the appeal application, the Chair of the Appeals Committee or the National Campus Director or delegate in the case of a non-academic matter, will review the application and determine whether to grant or dismiss the application.

If the Chair or National Campus Director or delegate believes there are no grounds for appeal, or that the appeal is lacking in substance or is frivolous or vexatious, the appeal may be dismissed without proceeding to hearing in the case of the Appeals Committee.

For non-academic matters, the Deputy Director or delegate's determination is final and must be communicated to the complainant in accordance with the standards set out in this Policy. Where an appeal application is dismissed, appellants will receive written notification within five (5) working days of the decision and informed of further appeal avenues.

## Stage 3: Appeal Hearing (only for Academic Matters)

If the Chair decides to proceed with the appeal, a meeting of the Appeals Committee will be convened within a reasonable time, which will normally not be more than ten (10) working days after the *Notice of Appeal*.

### *Duties and Powers of the Appeals Committee*

The Appeals Committee will determine the general conduct of the appeal hearing and the procedures to be adopted, as it thinks fair, based on the general principles of natural justice and procedural fairness.

The Appeals Committee has the power to:

- hear the appeal in relation to the determination of the complaint;
- review, uphold, dismiss or vary the determination of the complaint;
- refer the matter back to the College for further inquiry and determination.

The Appeals Committee will consider all documentation submitted in connection with the appeal, including any written submissions from the student and any representative of the College. The Appeals Committee may also refer to documentation or evidence tendered during the investigation or hearing as well as any

other information relevant to the appeal. The Academic Manager/Director of Studies, or their nominee, may, on behalf of the College, defend the original determination.

At the appeal hearing, the appellant concerned may be accompanied or assisted by a third party if so desired, but must advise the College prior to the hearing if they intend to do so. Both parties, the appellant and the College may not appoint a legal representative to represent them at the appeal hearing.

The Appeals Committee may reasonably adjourn at any time during the appeal hearing to consider any matter it deems relevant.

## Stage 4: Resolution of Appeal

### *Appeals Committee or College Deputy Director Decision*

At the completion of the hearing, the Appeals Committee must decide and communicate the outcome to the College within five (5) working days of the hearing.

The Appeals Committee or College Deputy Director's decision will be forwarded to the Academic Manager/Director of Studies who will communicate the outcome in writing to the appellant usually within ten (10) working days of the decision being made or as soon as practicable (depending on the nature of the appeal). If for some reasons the investigation or determination takes longer, the appellant will be advised in writing. Student Services and/or responsible managers will also be responsible for enacting any recommendations.

The appellant may withdraw their appeal at any stage in the process. If the appellant does this, no further appeals will be accepted. The appeal will be deemed resolved.

Upon upholding an appeal of a complaint, the Appeals Committee or National Campus Director, as appropriate, may determine what action is to occur. Where the Appeals Committee or National Campus Director dismiss an appeal, the original determination is confirmed and may be processed along with any recommendation originally made.

The proceedings and decision of an appeal will be kept private and confidential, as outlined in the College's Privacy Policy. A decision of the Appeals Committee and/or the National Campus Director (or delegate) is final and binding on all parties. The appellant may pursue relevant action available to them under Commonwealth and State legislation.

## External Independent Review

If the appellant wishes to appeal the decision of the Appeals Committee or the National Campus Director, the appellant will have twenty (20) working days to request an external review from the date of their letter notifying the outcome of the College's decision on their appeal.

An external appeal should only be made after all internal appeal processes under this Policy have been addressed. However, at any part in the complaints or appeals process the complainant/appellant may refer the matter to an external agency.

**All students** may request mediation or an external review through the Resolution Institute <https://www.resolution.institute/>. A Student Mediation Scheme Information Kit can be obtained from the Resolution



Institute, currently to be found at following link: <https://www.resolution.institute/resolving-disputes/tertiary-student-au>.

Mediation and external reviews will be conducted in accordance with the Resolution Institute Mediation Rules (currently to be found at <https://www.resolution.institute/documents/item/1897>).

No further appeals will be accepted after mediation or external review.

***Please note*** that applying for an external review with the Resolution Institute will incur a fee that will have to be paid by the person complaining/appealing a decision. For the exact fees, complainants/appellants should contact the Resolution Institute.

Furthermore, students may want to consider to contact the Tertiary Education Quality and Standards Agency (TEQSA) for certain types of complaints. More information to be found currently at <https://www.teqsa.gov.au/complaints>.

**International students** may also contact the Commonwealth Ombudsman. For more information, visit their website, currently to be found at following link: <http://www.ombudsman.gov.au/How-we-can-help/overseas-students>. If the external appeal agency contacts the College, then during the duration of the external appeal the student will not be reported to the Department of Home Affairs nor have their enrolment cancelled until the process has been completed or the student withdraws their external appeal. Students should note that their visa may be affected in the event that their Confirmation of Enrolment (CoE) lapses during the period of external appeal.

The parties will agree to be bound by the external independent mediators' recommendations and the College will ensure that any recommendations arising from the decision will be implemented as soon as practicable from the time of the receipt of the decision made by the Resolution Institute, the Commonwealth Ombudsman or any other external independent review body engaged in the appeals process.

The College will advise the complainant/appellant of all preventive or corrective actions taken as required in the decision made by the external reviewer.

Contact details for External Independent Review Bodies:

<b>Resolution Institute</b>	Telephone: 02 9251 3366 / 1800 651 650 Email: <a href="mailto:infoaus@resolution.institute">infoaus@resolution.institute</a> Website: <a href="https://www.resolution.institute/">https://www.resolution.institute/</a>
<b>Tertiary Education Quality and Standards Agency (TEQSA)</b>	Telephone: 1300 739 585 Email: <a href="mailto:enquiries@teqsa.gov.au">enquiries@teqsa.gov.au</a> Website: <a href="https://www.teqsa.gov.au/complaints">https://www.teqsa.gov.au/complaints</a>
<b>Commonwealth Ombudsman</b>	Telephone: 1300 362 072 Website: <a href="https://www.ombudsman.gov.au/How-we-can-help/overseas-students">https://www.ombudsman.gov.au/How-we-can-help/overseas-students</a>

**Please note:**

- If the complainants want to make a complaint in their language, they can call the Translating and Interpreting Service (TIS) on 131 450 or visit the following link for more information: <https://www.tisnational.gov.au/>.

- The College will maintain the student's enrolment while the internal or external appeal process is ongoing. Students are strongly advised that they do come to class during this process and thereby maintain their attendance and course progress requirements.
- For students in South Australia, from 31<sup>st</sup> October 2019, the Office of the Training Advocate is no longer offering the service to act as an External Appeals body for South Australian education and training providers. The Office of the Training Advocate will continue to provide:
  - advocacy services for both domestic and international students;
  - assistance in the resolution of disputes through independent mediation.

More information on the services offered by the Office of the Training Advocate can be found at following link: [www.trainingadvocate.sa.gov.au](http://www.trainingadvocate.sa.gov.au).

- *The availability of this complaints and appeals process, does not remove the right of the student to take action under Australian Consumer Protection Laws if the Australian Consumer Law applies.*

## Recordkeeping for Complaints and Appeals

Where a complainant/appellant lodges a formal complaint or appeal they must be advised of:

- the receipt of the complaint or appeal by the College and any proposed action to be taken; and
- the outcome and the reasons for the outcome of the complaint or appeal and any further avenues for appeal available.

All records relating to the complaint and/or appeal will be recorded on the complainant's record and maintained as outlined in the *Student Record Management Policy* to allow both parties access to these records upon written request.

All records are considered private and confidential and will be treated in accordance with the College's *Privacy Policy*.

## Relevant Legislation

As a registered education provider, the College operates under strict laws and regulations. Policies and procedures are in place to ensure compliance with such laws. Below, please find the most relevant legislation which apply to this policy:

Tertiary Education Quality and Standards Agency Act 2011 (TEQSA Act)

<https://www.legislation.gov.au/Details/C2017C00271>

Higher Education Standards Framework (Threshold Standards) 2015

<https://www.legislation.gov.au/Details/F2015L01639>

Education Services for Overseas Students Act 2000 (ESOS Act 2000)

<https://www.legislation.gov.au/Details/C2018C00210>

Education Services for Overseas Students Regulations 2019

<https://www.legislation.gov.au/Details/F2019L00571>

National Code of Practice for Providers of Education and Training to Overseas Students 2018

<https://www.legislation.gov.au/Details/F2017L01182>

Privacy Act 1988 (Cth) <https://www.legislation.gov.au/Details/C2019C00241>

## Related Policies

This Policy should be read in conjunction with the following policies to be found on the College's website, currently at following link: <https://college.adelaide.edu.au/about/policies-and-procedures/>

- Admissions Policy
- Attendance Policy
- Assessment Policy
- Academic Success Policy
- Academic Honesty and Assignment Policy
- Course Progress Policy & Procedures
- Management and Monitoring of Under 18 Students Policy
- Student Code of Conduct
- Refund Policy
- Diversity, Inclusion and Equity Policy
- Prevention of Harassment and Bullying Policy
- Student Record Management Policy
- Privacy Policy

## Amendments

The College reserves the right to amend this policy at its discretion. All changes and amendments to our public policies are published on the College's website at following link:

<https://college.adelaide.edu.au/about/policies-and-procedures/>

## Version Control and Accountable Officers

It is the joint responsibility of the Implementation Officer and Responsible Officers to ensure compliance with this policy.

<b>Policy Category</b>	Academic			
<b>Responsible Officers</b>	Vice President, Academic			
<b>Implementation Officer</b>	National Campus Director, The University of Adelaide College			
<b>Review Date</b>	November 2022			
<b>Approved by:</b>				
KHE Academic Board				
<b>Version</b>	<b>Authored by</b>	<b>Brief Description of the changes</b>	<b>Date Approved</b>	<b>Effective Date</b>
4.0	Kaplan Australia Quality, Regulations and Standards Team.	Policy reviewed to cover for academic and non-academic grievances, complaints and appeals.  This policy will replace the existing Academic Grievances Policy and the Non-Academic Grievances Policy.	24 June 2020	1 July 2020