Procedure: Complaints and Appeals

Purpose

The purpose of this process is to achieve the intent of the Complaints and Appeals Policy. It describes the main steps to be undertaken so that complaints and appeals from students could be resolved in a constructive and timely manner; and in compliance with the requirements of the accreditation authorities relevant to the program as well as the standards such as the AQTF 2007 Standards and the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007.

Scope

This procedure applies to complaints and appeals by students of all the academic and training programs delivered by Academies Australasia Polytechnic.

Definitions

Student  Any person enrolled to study any program delivered by Academies Australasia Polytechnic.

Complaint  Written expression of displeasure with the service(s) of Academies Australasia Polytechnic by a student. These may include but are not limited to dissatisfaction with the academic or administrative aspects of Academies Australasia Polytechnic’s services or general grievances such as misbehaviour, discrimination, and sexual harassment and bullying.

Appeal  Written request by the student for a change in decision made by Academies Australasia Polytechnic. Appeals can relate to assessment and other decisions.

Independent person or body  The person or body that would generally:

- Be separated in structure from the student and Academies Australasia Polytechnic;
- Have no personal or professional interest in the outcome of the complaints or appeals process;
- Have no influence on the policy setting of Academies Australasia Polytechnic;
- Be financially and administratively independent of the Academies.
Australasia Polytechnic; and
- Not have the same directors or managers as Academies Australasia Polytechnic.

Responsibilities

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<th>Head of Administration and Student Services</th>
<th>Students have access to the Complaints and Appeals Policy and process.</th>
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<td>All complaints/appeals lodged are appropriately addressed within realistic and reasonable timelines; and outcomes are communicated to the student.</td>
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<td>All complaints/appeals/resolution are recorded in Academies Australasia Polytechnic’s Complaints/Appeals Register.</td>
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<tr>
<th>Academic Head (ACADEMIC HEAD) or Department Manager</th>
<th>New staff and students are aware of the Complaints and Appeals Policy and process.</th>
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<td>Investigate the complaint or appeal and resolve them within realistic and reasonable timelines.</td>
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| HR Manager | All employees have access to the Complaints and Appeals Policy and Procedure. |

Action

1. Head of Administration and Student Services will provide all new students with access to the Complaints and Appeals Policy and process.

2. The Academic Head will cover this information in the student orientation.

3. HR Manager will include the Complaints and Appeals Policy and Procedure in the staff handbook and ensure that all new employees including sessional lecturers and contract staff are aware of the Policy and Procedure.

4. The Administration Manager will file the Policy and Procedure above mentioned copies in the repository, which can be accessible by all staff.
5. A complaint or appeal may be lodged by a student in a timely manner except for appeals against the decision to report the student to the Department of Immigration and Border Protection (DIBP). The student must lodge the appeal within 20 working days of notification of an intention to report to DIBP on the following matters:
   - Deferral, suspension or cancelling a student enrolment
   - Non achievement of satisfactory attendance
   - Non achievement of satisfactory course progress

6. The student will have an opportunity to formally present the case at minimal or no cost to him or herself.

7. Each party may be accompanied and assisted by a support person at any relevant meetings.

8. The student has the responsibility to be enrolled during the process. Students who are studying programs offered by Academies Australasia Polytechnic’s partner institutions will have to comply with the requirements of the partner institutions to be enrolled (including the payment of fees). However, Academies Australasia Polytechnic may waive the payment of fee as a condition for enrolment in its own programs.

9. Academies Australasia Polytechnic will maintain the student’s enrolment while the internal complaints and appeals process (Stage 1 and Stage 2) is ongoing. It will also maintain the student’s enrolment throughout the external appeals process (Stage 3) for appeals against unsatisfactory course progress or unsatisfactory attendance until the external process is complete and if the result supports Academies Australasia Polytechnic’s decision.

10. If the appeal is against Academies Australasia Polytechnic’s decision to defer or suspend a student’s enrolment due to misbehaviour, then Academies Australasia Polytechnic will maintain the student’s enrolment throughout the internal process only. It will only need to await the outcome of the internal process (supporting Academies Australasia Polytechnic’s decision) before notifying the Department of Education, Employment and Workplace Relations (DEEWR) through PRISMS of the change to the student’s enrolment. Once DEEWR has been notified of a deferment, suspension or cancellation of a student's enrolment, the student has 28 days in which to:
   - Leave Australia;
   - Show the Department of Immigration and Border Protection (DIBP) a new Confirmation of Enrolment (COE); or
   - Provide DIBP with evidence that he/she has accessed an external appeals process.
11. Academies Australasia Polytechnic will immediately implement any decision and/or corrective and preventive action following the outcomes from the complaint and appeals process.

12. **Stage 1**

12.1 A student who wishes to make a complaint or appeal will complete the Complaint/Appeal form and submit it to Academies Australasia Polytechnic reception.

12.2 Upon receiving the Complaint/Appeal form, generally, Academies Australasia Polytechnic reception will immediately forward it to Head of Administration and Student Services.

12.3 Head of Administration and Student Services will acknowledge the receipt of the complaint/appeal and direct the matter to the appropriate Academic Head or Department Manager to handle. If the Academic Head or Department Manager is perceived to have a conflict of interest in relation to the matter, then the next more senior staff member must be approached.

12.4 The Academic Head or Department Manager must commence the resolution phase within 10 working days of the complaint being lodged.

12.5 The Academic Head or Department manager must take all reasonable measures to resolve the complaint or appeal as soon as practicable. Refer to Appendix 1 for the possible measures that could be taken by the various programs.

12.6 The Academic Head or Department manager must keep records of the following, where applicable:

- Actions taken to address the root cause of complaints;
- Minutes of meetings at which actions arising from complaints were agreed on;
- Changes to systems and/or processes to address the inadequacy that led to the complaint/appeal or to improve operations.

12.7 The Academic Head or Department manager will provide the student with a written statement of the outcome, including details of the reasons for the outcome; and forward a copy to Head of Administration and Student Services. Head of Administration and Student Services will keep a record as evidence of the communication to the student.

13. **Stage 2**
13.1 If the student is not satisfied with the result or conduct of the complaint/appeal handling process by the Academic Head or Department Manager, he or she should inform the Head of Administration and Student Services in writing within 10 working days of receiving the written statement of outcomes.

13.2 Head of Administration and Student Services will convene a committee comprising at least 3 independent managers or lecturers who are not involved in the hearing at Stage 1 to investigate and resolve the matter. Refer to Appendix 1. The committee will provide Head of Administration and Student Services with the documentation as listed in para 12.6 for record.

13.3 Head of Administration and Student Services will inform the student of the outcome through a written communication.

14. Stage 3

14.1 If the student is still not happy with the result of the decision by the internal committee, the student should lodge a written appeal with Head of Administration and Student Services within 10 working days of receipt of the written notification of outcomes. Academies Australasia Polytechnic will appoint a person or body independent of and external to Academies Australasia Polytechnic to hear the appeal and propose a final decision at no or minimal cost to the student. Refer to Appendix 1. The appeal procedures will be determined by the independent mediator.

15. The student will have access and receive the outcome of only one external appeals process (i.e. Stage 3) before Academies Australasia Polytechnic may report the student to the relevant authorities. Hence Academies Australasia Polytechnic does not have to await the outcome of multiple external appeals processes which the student may wish to access. However, Academies Australasia Polytechnic will inform students that they could refer to the Overseas Students Ombudsman. The Overseas Students Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider. You can initiate the external appeals process to OSO by telephone, in writing, by fax, or using OSO’s online complaint form:

Overseas Students Ombudsman (OSO)
GPO Box 442 Canberra ACT 2601
Tel: 1300 362 072 Fax 02 6276 0123
Email: ombudsman@ombudsman.gov.au
Website: www.oso.gov.au

16. Withdrawal of Complaint/Appeal
16.1 The student may withdraw a complaint or appeal at any time during the resolution process. The student must make the withdrawal in writing and submit it to the Academies Australasia Polytechnic Reception. The Academies Australasia Polytechnic Reception will then forward it to Head of Administration and Student Services. Alternatively, the student may send an email to the Head of Administration and Student Services using his/her email address that is registered with Academies Australasia Polytechnic.

16.2 Head of Administration and Student Services will send a written acknowledgement of the withdrawal to the student. The matter will be concluded and deemed to be resolved.

17. Head of Administration and Student Services will record the complaint/appeal and its resolution in Academies Australasia Polytechnic’s Complaints and Appeals Register that will allow identification and detail of the following:
   - Submission date of complaint and/or appeal
   - Nature and description of complaint and/or appeal
   - Date/s when cause of complaint and/or appeal occurred
   - Attachments, if applicable
   - Determined resolution including reasons for any decision
   - Date of resolution
   - Date written statement of outcomes was sent to student

18. The outcome of the complaint/appeal and the reasons for the outcome will be placed in the student file.

19. Head of Administration and Student Services, Academic Head and the Department Manager will monitor and annually review the complaints and appeals as part of their continuous improvement process.

Related Documents

a. Complaints and Appeals Policy
b. Student Handbook
c. Staff Handbook
d. Academies Australasia Polytechnic Website
e. Complaints and Appeals Form
APPENDIX 1
POSSIBLE ACTION BY PROGRAMS TO ADDRESS COMPLAINTS/APPEALS

Stage 1: Complaint against Assessment or Recognition of Prior Learning (RPL) or Articulation

Programs offered by Academies Australasia Polytechnic

1. The Academic Head, in conjunction with the assessor/trainer, reviews the initial assessment and/or identifies alternative assessment methods and notifies the trainee accordingly. If it involves plagiarism, the Procedure for Investigation of Suspected Plagiarism applies.

2. The recorded outcome of the assessment will be the reassessment result.

Education Programs offered by Partner Institutions and delivered by Academies Australasia Polytechnic

The Assessment and Re-assessment Policy and Procedures of the partner institution will apply.

Stage 2: Appeal involving Assessment or Recognition of Prior Learning (RPL) or Articulation

Programs offered by Academies Australasia Polytechnic

1. The Head of Administration and Student Services will appoint an independent panel comprising managers or lecturers who are not involved in the complaint/appeal and Stage 1 hearing to make a reassessment. Where necessary, an external assessor may be engaged.

2. The recorded outcome of the assessment will be the reassessment result.

Education Programs offered by Partner Institutions and delivered by Academies Australasia Polytechnic

The Assessment and Re-assessment Policy and Procedures of the partner institution will apply.

Stage 3: Appeals

Programs offered by Academies Australasia Polytechnic
The independent mediator will be the Overseas Students Ombudsman. The Overseas Students Ombudsman offers a free and independent service for overseas students.

(*AEI explanation on Std 8: In most cases, the purpose of the external appeals process is to consider whether the provider has followed its policies and procedures – it is not to make a decision in place of the institution. e.g. if a student appeals against his or her subject results and goes through the provider’s internal process, the external appeals process (if accessed) would look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be.*)

**Programs offered by Partner Institutions**

The Assessment and Re-assessment Policy and Procedures of the partner institution will apply.