

Complaints and Appeals Policy

Scope

This policy is applicable to Kaplan Higher Education Pty Ltd, trading as Murdoch Institute of Technology ("School").

Purpose

The purpose of the Complaints and Appeals Policy is to provide:

- a framework for managing complaints and appeals
- a procedure for investigation of complaints and appeals
- a fair, equitable and confidential means of resolving complaints and appeals
- to ensure compliance with National Code, Standard 8 in conjunction with this policy must be interpreted

What is a complaint?

A complaint is an expression of dissatisfaction by a student* (hereafter referenced as the complainant) about an issue related to a School qualification, or an individual associated with the School which requires a resolution. All students enrolled, or seeking to enrol, in School courses are entitled to access the complaints process. Activities which may give rise to academic and non-academic grievances covered by this policy are listed below:

- Academic programs (content or structure);
- Subject enrolment, delivery, assessment, learning environment; outcomes, access to resources
- Student service 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

* In some cases this may also include parents, prospective students or other relevant parties

General principles

The appeal process is a process whereby a student may dispute the determination of a complaint or complaint or a determination or penalty in relation to an Act of Misconduct. 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 and 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
- Complainants have a right to appeal if they believe their complaint has not been adequately resolved.
- All complaints by students, parents or prospective students are dealt with free of charge.
- 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.
- 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.

- Students will continue their studies as usual during the complaint procedure, 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 School course due to not completing their course in the required time frame, or not making satisfactory course progress, the student will be notified in writing that they will be reported to the Department of Immigration and Border Protection (DIBP) 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.

Complaint Process

Stage 1: Complaint received

In the first instance, issues relating to the complaint should be raised informally with the relevant. If this is not possible, or the complaint cannot be resolved at this discussion the student may request to speak with the Student Services Manager if it is a non-academic matter or the Academic Coordinator/Director of Studies (as relevant) if it is an academic matter. After discussion, if the student is not satisfied with the resolution of the complaint, a formal written complaint may be lodged with the School.

Stage 2: Lodging a formal written complaint

All written complaints must be submitted within 14 days of the incident. Additionally all assessment complaints which must be submitted within 14 days of the release of results. If lodging a formal written complaint, students should complete the Student Complaint Form (Appendix A). To assist in the resolution of a complaint it is helpful if students include the following information when communicating their complaint.

- If lodging form via email, use the word 'Complaint' or "Grievance" 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 (appendix A) should be sent to the relevant addresses below:

College Director

Murdoch Institute of Technology

Murdoch University Campus, South Street,

Murdoch, Western Australia 6150

Email: forms@murdochinstitute.wa.edu.au

The student will receive written confirmation within 48 hours that their written complaint has been received.

Investigation of complaint

Upon receipt of a formal complaint, details will be recorded on the School Complaints Register. All complaints will be investigated and resolved by the appropriate manager and in accordance with procedures. Academic complaints regarding assessment are to be made within 14 days of release of results. Investigation of these complaints may involve:

- reviewing worked examination papers or assignments
- reviewing procedures
- reviewing course materials or resources
- consulting other course participants
- reviewing course evaluations
- speaking to relevant School staff members

The determination will also be documented on the School Complaints Register.

Stage 3 – Interview conducted

Should there be grounds for further investigation of the 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.

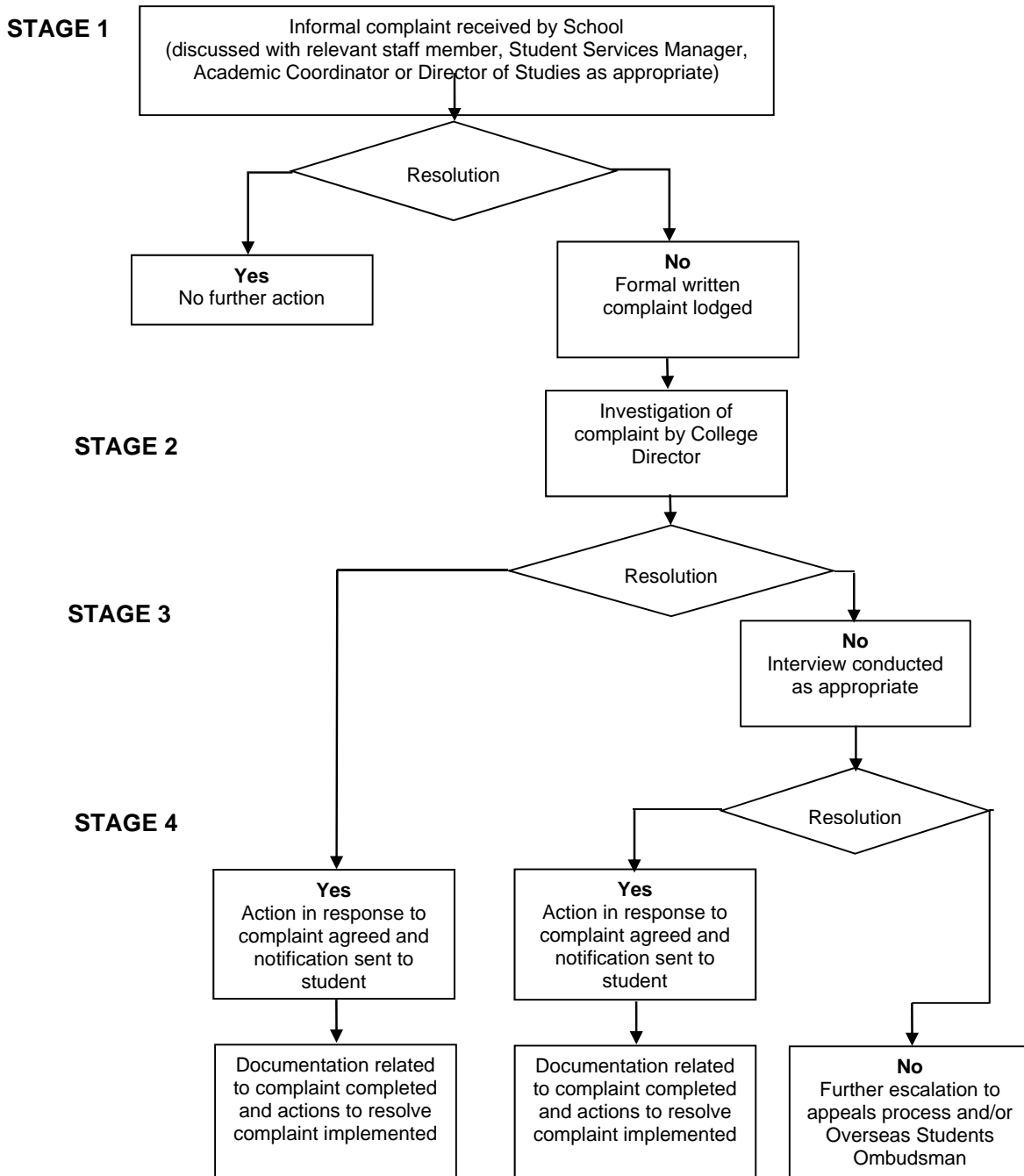
Stage 4: Resolution of complaint

Once the investigation has been conducted according to the general principles outlined above and a determination made, the student will receive a written response detailing the actions taken in response to the complaint. This will usually occur within ten (10) working days of acknowledgement of the student's complaint. If for some reason the investigation or determination takes longer, the student will be advised.

If the School receives no communication from the student within ten (10) working days of them receiving its response, the complaint will be considered closed except in exceptional circumstances.

Complaints Procedure

The School uses the following procedure to deal with the investigation and resolution of student complaints.



Appeals process

Stage 1: Submitting an appeal

Right to 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 to the Appeals Committee.

Notice of appeal

If a complainant decides to appeal a determination, they must lodge a written Notice of Appeal (Appendix B) within ten (10) working days of the determination being made. 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 complainant during the appeals process and parties will not be discriminated or victimised during the complaint 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 the 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;
- financial implications of not passing the unit;
- grades received by the student in other units;
- the need for additional marks to enable a pass/better grade;

Stage 2: Investigation of appeal

Formation of the Appeals Subcommittee

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

- a personal involvement or connection with the student, 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 complaint.

The Chair may also appoint a non-voting secretary to the Appeals Committee to keep records of the hearing.

Duties of the Chair of the Appeals Subcommittee

On receiving the appeal application, the Chair of the Appeals Subcommittee will review the application and determine whether to grant or dismiss the application.

If the Chair 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. Where an appeal application is dismissed, complainants will receive written notification within five (5) days of the decision and informed of further appeal avenues (Appendix C).

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 Subcommittee

The Appeals Committee will determine the general conduct of the appeal hearing and the procedures to be adopted, as it thinks fit, based on 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 School for further inquiry and determination.

Where the Appeals Committee decides to refer the matter back to relevant Manager

Stage 3: Appeal hearing

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 School. The Appeals Committee may also refer to any documentation or evidence tendered during the investigation or hearing as well as that considered in appealing the determination. If required in the circumstances, a member of the School staff may, on behalf of the School, defend the original determination.

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

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

Stage 4: Resolution of appeal

Appeals Subcommittee decision

At the completion of the hearing, the Appeals Subcommittee must decide within ten (10) working days whether to uphold or deny the appeal and to communicate this in writing to the complainant and the respondent with any recommended actions.

The complainant can withdraw their complaint at any stage in the process. If the complainant does this no further appeals will be accepted. The grievance will be deemed resolved.

Upon upholding an appeal of a complaint, the Appeals Committee may determine what action is to occur. Where the Appeals Committee does not uphold (dismisses) 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 confidential, subject to the operation of law. A student may request access to records of the hearing and reasons for the determination. A decision of the Appeals Subcommittee is final and binding on all parties. The complainant may pursue relevant action available to them under Commonwealth or State legislation. Please see Appendix C for a list of relevant authorities.

External Independent Review

If the Complainant wishes to appeal the decision of the appeals subcommittee, the complainant will have 20 days to request an external review from the date of their letter notifying the outcome of the subcommittee's decision on their appeal. An external appeal should only be made after all internal appeal processes have been entertained under this Policy.

Domestic students may request mediation through LEADR <http://www.leadr.com.au>. LEADR mediation will be conducted in accordance with the LEADR Mediation Rules – a copy of which can be obtained from the School on request. No further appeals will be accepted after mediation.

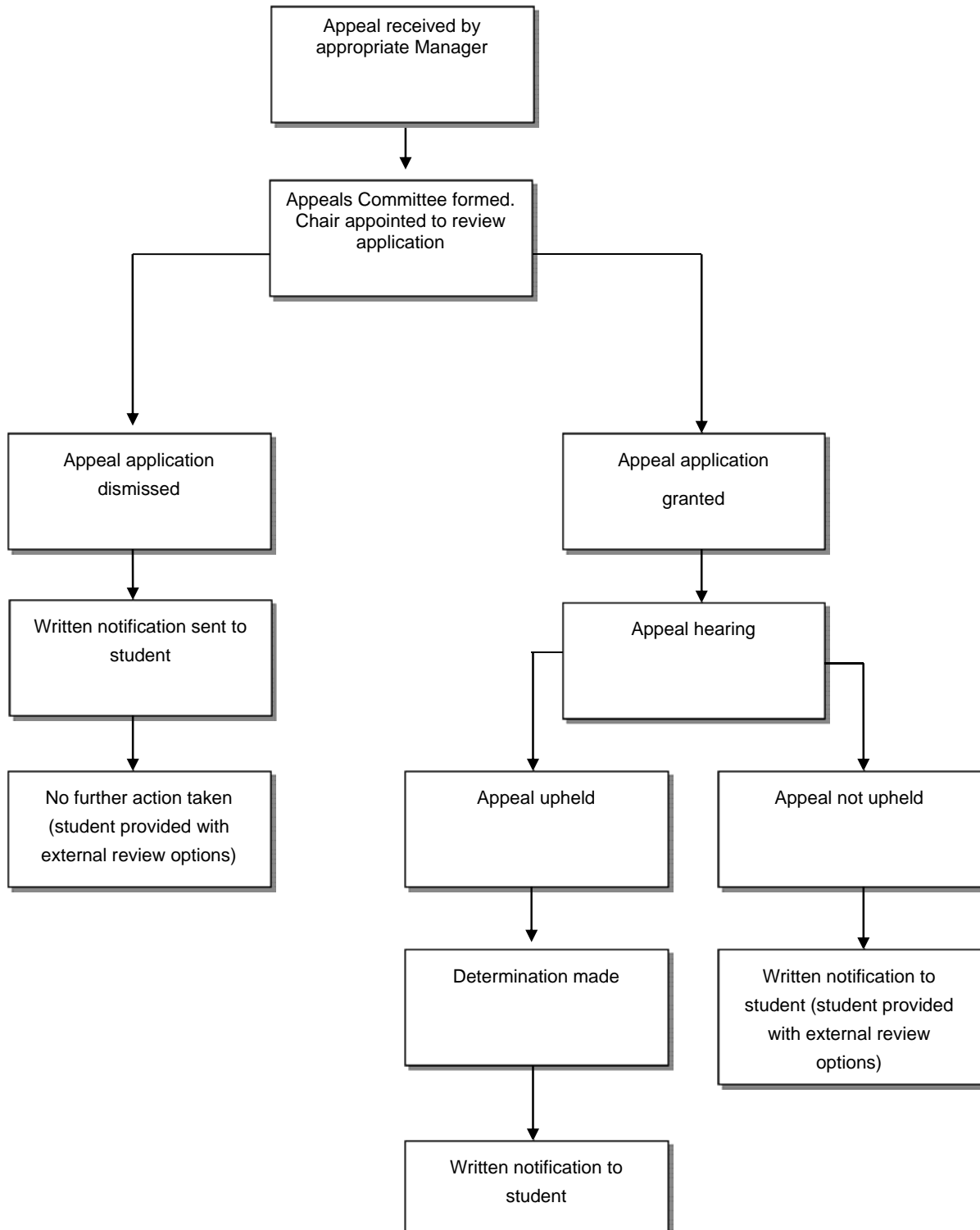
International students should contact the Overseas Student Ombudsman <http://www.oso.gov.au>.

The parties will agree to be bound by the external independent mediator's recommendations and the School will ensure that any recommendations arising from the decision will be implemented within 30 working days of the receipt of the decision by LEADR or the Overseas Student Ombudsman.

At any part in the complaints process the complainant can refer the matter to an external agency. (see Appendix C for further details)

Appeals Procedure

The School applies the following procedure to deal with student appeals.



Documentation for complaints and appeals

- Where a complainant lodges a formal complaint or appeal they must be advised of:
- the receipt of the complaint or appeal by the School and any proposed action to be taken
- 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 complainants record and maintained for a minimum of 5 years to allow both parties access to these records upon written request.
- All records are considered confidential and will be covered by the School's privacy policy.

Related policies

This Policy should be read in conjunction with the following School policies:

- Access and Equity Policy
- Assessment Policy
- Academic Integrity, Honesty and Conduct

Version Control and accountable officers

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

Policy Category	Academic			
Responsible Officer	Vice President, Academic			
Implementation Officer	College Director or equivalent.			
Review Date	March 2017			
Approved by				
KHE Academic Board				
Version	Authored by	Brief Description of the changes	Date Approved:	Effective Date:
1.0	Quality & Standards Group	Unpacking of one document into existing document	01.01.2014	01.01.2014
1.1	Quality & Standards Group	Aligned timeline in sections Lodging a formal complaint and Investigation of a Complaint to 14 days. Format and wording changes to align across all businesses.	22.05.2015	15.06.2015
1.2	Academic Quality and Governance Team.	Process clarification made to enhance usability and amendments made for currency of position titles, policy and federal agency names. Students' right to appeal in the case of a plagiarism determination and on the basis of program content and structure reintroduced.	10.03.2016	17.03.2016

Appendix B: Notice of Appeal

This form is to be completed by a student who is lodging an Appeal to the Appeals Subcommittee in reference to the outcome of an investigation into the resolution of a complaint or an alleged act of academic misconduct.

*This completed form and any supporting documentation must be submitted to the School at the address on page 3 **within ten (10) working days of the student receiving notification of the outcome of their complaint.***

Student name:

Student ID number:

Subject name:

Subject number:

Study Period/Year:

Details of evidence supporting appeal (attach additional pages if required):

Grounds of Appeal

Supporting evidence

Outcome sought

Student name

Student signature

Date:

Forward completed form and supporting documentation to relevant manager as detailed on page2

Appendix C: External contacts

Provided below is a list of contacts that students may approach for external resolution of grievances and/or appeals. Before contacting these groups students should ensure they have exhausted the internal avenues of escalation and appeal within the School.

Government and State departments

[Department of Education and Training](#) (ACT)

[Accreditation and Registration Council](#) (ACT)

[Department of Education and Communities](#) (NSW)

[Department of Education and Training](#) (NT)

[Department of Education and Training](#) (QLD)

[Department of Further Education, Employment, Science and Technology](#) (SA)

[Tasmanian Qualifications Authority](#) (TAS)

[Department of Education](#) (TAS)

[Department of Education and Training](#) (VIC)

[Office of Training and Tertiary Education](#) (VIC)

[Training Accreditation Council](#) (WA)

[Department of Education](#) (WA)

Complaints resolution groups

[LEADR](#)

[Department of Justice and Community Safety](#) (ACT)

[NSW fair trading](#) (NSW)

[Consumer Affairs](#) (NT)

[Office of Fair Trading](#) (QLD)

[Office of Consumer and Business Affairs](#) (SA)

[Consumer Affairs and Fair Trading](#) (TAS)

[Consumer Affairs](#) (VIC)

[Department of Consumer and Employment Protection](#) (WA)

[Overseas Students Ombudsman](#) or phone 1300 362 072 for more information.