

Grievances, Complaints and Appeals Handling Policy

Scope

This policy was developed for Kaplan Higher Education Pty Ltd, trading as Murdoch Institute of Technology (hereby referred to as “the School”).

This policy applies to:

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

This policy should 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 School.

Purpose

The main purpose of the “*Grievances, Complaints and Appeals Policy*” is to provide:

- a framework for the identification, management and resolution of all grievances, complaints and appeals
- a procedure for investigation of grievances, complaints and appeals
- a fair, equitable and confidential means of resolving grievances, complaints and appeals
- assistance to students to understand the process of grievances, complaints and appeals
- guidance to staff to understand regulatory expectations

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.

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 described in the scope of the policy (hereafter referenced as the complainant) about an issue related to a School qualification, or an individual associated with the School which requires review, investigation or action. Everyone wishing to provide feedback and suggestions to the School, is entitled to access the complaints process. Activities which may give rise to academic and non-academic grievances or complaints covered by this policy are as follows, 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;
- 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 disputes a decision made by the School or a determination made in regards to a complaint or penalty in relation to an Act of Misconduct.

**Note: Students may include prospective students who have had some interactions with the School (eg. via an agent), current students (irrespective of mode of participation) and past students (within 12 months from the date they cease to be enrolled with the School).*

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 in accordance with the Grievance and 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.
- 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.
- The complainant is entitled to ask for assistance in the form of a translator/ interpreter at any time during the process.
- A student may seek confidential, independent professional advice at any stage of a complaint.
- 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 School that the person will be attending before the meeting.
- 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 Home Affairs 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 School’s operations.

Grievance and Complaint Process

Stage 1: Grievance received

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

Stage 2: Lodging a Formal Written Complaint

All non-assessment related formal written complaints must be submitted in writing within ten (10) working days of the incident. All assessment related formal written complaints must be submitted within five (5) 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 School 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 Director at the address below:

College Director
Murdoch Institute of Technology
Murdoch University Campus, South Street,
Murdoch, Western Australia 6150
Email: complaints@murdochinstitute.wa.edu.au

Once received, the College 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 written complaint has been received. Should the complainant not receive the confirmation within the 5 working days, they may then contact the School.

Stage 3: Investigation of Complaint

Upon receipt of a formal complaint, details will be recorded in the School’s “Complaints 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 relevant manager 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 other course participants;
- reviewing course evaluations;
- reviewing processes if the complaint relates to an administrative or financial matter (such as enrolments and fee refunds);
- 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 School staff members 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 School 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 Register.

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. For academic matters, the matter is escalated to the Appeals Subcommittee of the MIT/MU Academic Committee. Whereas, non-academic matters will be referred to the College Director or delegate for final determination.

All complainants on an Overseas Student Visa may be subject to an *Academic Success 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 Academic Success 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.

Failure to provide a completed *Notice of Appeal* with supporting new evidence may result in the appeal not being heard.

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;
- 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 MIT/MU Academic Committee appoints the Appeals Subcommittee. It will comprise at least three (3) members of the MIT/MU Academic Committee 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 Appeals Subcommittee or College Director

On receiving the appeal application, the Chair of the Appeals Subcommittee or the College 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 College 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 Subcommittee. For non-academic matters, the College 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 Subcommittee 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 Subcommittee 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 Subcommittee 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.

The Appeals Subcommittee 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 Subcommittee may also refer to documentation or evidence tendered during the investigation or hearing as well as any other information relevant to the appeal. A member of the School staff may, on behalf of the School, 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 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 and communicate the outcome to the School within five (5) working days of the hearing.

The Appeals Subcommittee's decision will be forwarded to the College Director or their delegate, who will communicate the outcome in writing to the appellant within ten (10) working days of the decision being made and ensure that any recommended actions occur.

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

Upon upholding an appeal of a complaint, the Appeals Subcommittee or the College Director or delegate, as appropriate, may determine what action is to occur. Where the Appeals Subcommittee or College Director or delegate 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 School's *Privacy Policy*. A student may request access to records of the hearing and reasons for the determination. A decision of the Appeals Subcommittee and College Director or delegate is final and binding on all parties. The appellant may pursue relevant action available to them under Commonwealth or State legislation. Please see Appendix C for a list of external agencies.

Note: Complaints and appeals that are frivolous, unreasonable, or lacking substance will be dismissed.

External Independent Review

If the appellant wishes to appeal the decision of the Appeals Subcommittee, the appellant will have twenty (20) working 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 under this Policy have been addressed. However, at any part in the complaints or appeals process the complainant/appellant can 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 complainant. For the exact fees, complainants 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>.

Students on an Overseas Student Visa may also contact the Overseas Student Ombudsman (<http://www.ombudsman.gov.au/How-we-can-help/overseas-students>). If the external appeal agency contacts the School, 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 mediator's recommendations and the School 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 Overseas Student Ombudsman or any other external independent review body engaged in the appeals process.

The School 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:

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

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

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

Recordkeeping for Complaints and Appeals

- 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 School's *Privacy Policy*.

Relevant Legislation

As a registered education provider, the School 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 School policies:

- Assessment Policy
- Academic Integrity and Conduct Policy
- Refund Policy
- Diversity, Inclusion and Equity Policy
- Prevention of Harassment and Bullying Policy
- Student Record Management Policy
- Privacy Policy

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		December 2022		
Approved by				
Vice President, Academic on behalf of the 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
1.3	Academic Quality and Governance Team.	Clarified that complaints to do with assessment must be submitted within 5 days from the release of results. Appeals flow charts improved to enhance understanding. External Review Mediation organisation for domestic students. Implementation Officers introduced to Policy. Language use made consistent and names of Kaplan governance bodies and accountabilities amended to more accurately reflect operational practice.	06.09.2017	30.09.2017
1.4	Academic Quality and Governance Team	Clarified that a student may seek confidential, independent professional advice at any stage of a complaint to satisfy s2.4.3 of the Threshold Standards.	05.12.2017	20.12.2017
1.5	Compliance Team & Academic Quality & Governance Team	Updated to reflect National Code 2018 including the section regarding External Independent review.	08.03.2018	09.03.2018
2.0	Quality, Regulations and Standards Team	<u>Revised policy to meet legislative requirements.</u> Added information to the 'Scope' of the policy to meet requirements of Standard 2.4.1 of the HES Framework 2015. Expanded in the 'Purpose' of the policy on relevant legislation. Added 'Definitions' to clarify terms of 'grievance', 'complaints' and 'appeals' Expanded on the Policy Principles to allow for student's right to seek independent professional advice, reminder to students that they have 20 working days to access the appeals process and role of and update of the 'Continuous	06.12.2019	20.01.2020

		<p>Improvement Register”.</p> <p>Included “Grievance” into the complaints and appeals process.</p> <p>Updated timelines to meet requirements of ESOS Act and National Code 2018. Expanded Stage 3 of the Complaint Process to cover for other matters for investigation, not just academic ones.</p> <p>Removed Complaints and Appeals Procedure diagrams, to be added to the MIT procedures and forms.</p> <p>Added more information to the external independent review section to align with requirements in the National Code 2018, more updates on how to use services of the Resolution Institute, added TEQSA details as a further complaints avenue for specific types of complaints.</p> <p>Added contact details for external independent review bodies.</p> <p>Added information regarding recordkeeping.</p> <p>Added information to relevant legislation.</p> <p>Updated the list of related policies.</p> <p>Removed Appendix A and B and recommended for these to be used as separate forms.</p> <p>Removed Appendix C as most of the information provided was irrelevant to MIT. Other minor updates.</p>		
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