

Student Complaints and Appeals Policy and Procedure

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| Policy Code | AP025 | | |
| Contacts | policy@top.edu.au | | |
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| 2018.08 | Academic Board | 30 August 2018 | 30 August 2018 |

1. PURPOSE

The Institute aims to provide a timely, effective and transparent system for managing student concerns. The purpose of this policy is to provide information to students and staff on the conditions and procedures in place at the Institute that enable student concerns and complaints to be addressed in a timely, equitable and appropriate manner.

Nothing in this policy and procedure limits the rights of individuals to pursue other legal remedies under New South Wales or Commonwealth law, in particular their rights to take action under the *Australian Consumer Law*.

2. SCOPE

This policy applies to all students of the Institute, including current enrolled students, students who have graduated within the past 6 months and those seeking to enrol at the Institute. It also applies to the Institute staff involved in managing or responding to appeals and grievances lodged by students.

Matters of student concern and complaint may include (but are not limited to):

- admission processes (including Recognition of Prior Learning, Offer Letters and Certificates of Enrolments)
- post enrolment processes (including orientation, course advise and enrolment)
- quality of courses offered (teaching, resources and facilities)
- academic issues (intervention strategies, suspending or cancelling the student's enrolment);
- administration matters (including access to and handling of student records, unreasonable decisions, and inconsistent policies and procedures)
- treatment received from staff or other students, including bullying, harassment and inappropriate behaviour.

Students are informed about this policy prior to enrolment. In addition, information about the policy is included in orientation materials, the Institute Student Handbook and on the Institute's website. The Institute staff (including members of the Student Grievance Committee) responsible for its administration are informed about this policy and trained in its application. This policy and procedure does not apply to the following types of complaints:

- Reviews of academic decisions related to academic results or thesis examination. (Please refer to Assessment Policy and Procedures)
- Complaints about any organisation that is a separate legal entity from the Institute.

- Complaints about research activities and outputs, intellectual property and research misconduct. (Please refer to Research Code of Conduct)
- Complaints about any decision for which the Institute's procedures provide an internal process for students to appeal the decision.

3. DEFINITIONS

Appeal is a formal complaint made by a student to the Student Grievance Committee by lodging an appeal form (See Appendix B) to appeal@top.edu.au to have a decision that affects their studies and/or student-life in relation to a non-academic matter or an academic matter reconsidered. The Student Support Officer will provide advice and support.

Education Services for Overseas Students (ESOS) is the legal framework that governs the delivery of education to overseas students studying in Australia on a student visa. The framework sets out clear roles and responsibilities for providers of education and training to international students and complements Australia's student visa laws.

Formal Complaint is a grievance that a student seeks to resolve by lodging a complaint form (see Appendix A) to complaints@top.edu.au. The Student Support Officer will provide advice and support.

Grievance is a concern raised by a student about some aspect of the student's experience with the Institute.

Informal Complaint is a grievance that a student may raise informally (face-to-face or by telephone, email, or, or other written text) directly with the person(s) concerned or the Student Support Officer or Academic Student Support Officer.

International Students are students who not Australian citizens, Australian permanent residents, New Zealand citizens, or holders of an Australian permanent resident humanitarian visa.

Student Grievance Committee is the committee that considers formal complaints lodged by students at the Institute.

Student Support Officer provides advice, assistance and support to students with an academic or non-academic grievance. Where appropriate the Student Support Officer will nominate a delegate (for example a support person with mental health expertise) to support the student. The Student Support Officer can be contacted at: studentservice@top.edu.au or through Student Services.

4. PROCEDURE

4.1 Principles

The following general principles will apply to all stages of the Institute's student grievance resolution processes:

- Confidentiality will be adhered to at all times, with information shared only when this is necessary to investigate a grievance in accordance with these principles, and then only on the basis that the person to whom it is imparted is bound by confidentiality;
- The Institute will adhere to the principles of natural justice and procedural fairness by:
 - informing everyone involved of the full details of the grievance and the response(s) to them
 - providing those involved with an opportunity to present their side of the matter

- operating in a fair and unbiased way
- assigning the Student Support Officer (or delegate) to provide advice, assistance and advocacy.
- All formal complaints and appeals will be acknowledged in writing;
- Students will be informed in writing of decisions, with a full explanation for reasons for the decision and information on further avenues of resolution including external bodies.
- The Institute will ensure that all formal complaints and appeals will be finalised as soon as practicable;
- The complainant and any respondent will be treated with courtesy and respect and will not be victimised or discriminated against;
- The Institute will not impose any financial costs on a student at any stage of its grievance resolution processes.

4.2 Making an Informal Complaint

- I. **Informal discussion** is the preferred option for resolving grievances. Students are encouraged to resolve issues informally in the first instance by directly approaching the person or persons concerned, or, if the student feels unable or uncomfortable about doing so, communicating the issue to the Student Support Officer (or delegate).

The Student Support Officer should gather and communicate as much detail as possible to facilitate an informal resolution. Students are also encouraged to disclose any underlying personal or other issues that may have contributed to, or exacerbated, the problem or concern. This will help the investigating officer to approach the student's problem or concern in a more holistic way, including referral to other forms of support and assistance.

Students who are not satisfied with an informal resolution of their grievance, or believe their grievance is not easy to resolve informally, may make a Formal Complaint:

- II. **Formal complaint resolution** mechanisms are available. Students may lodge a formal complaint form (See Appendix A) to complaints@top.edu.au, which will refer the matter to the Student Grievance Committee. The Student Support Officer (or delegate) will provide support, assistance and advice. Information regarding the conditions and strategies for lodging a formal grievance, along with the processes involved in the consideration of the grievance and follow-up actions is provided in Sections 4.3 to 4.6 below.

If, after all aspects of the Institute's internal grievance procedures are exhausted, and the student feels the matter is still unresolved:

- III. **External Mediation/Dispute Resolution** may be accessed by the student. Clear information is provided to the student about this phase.

4.3 Lodgement of a Formal Complaint

When informal discussion avenues outlined above have been unsuccessful in resolving a grievance and the student seeks a formal resolution (or, in the circumstances described above, if a student chooses to make a formal complaint without engaging in informal resolution), the student must will complete the Formal Complaint Form (See Appendix A) and email it to complaints@top.edu.au.

Instructions on the requirements for lodging a formal complaint (including an appeal) and the relevant forms (see Appendix A and Appendix B) are available from Student Services and the Student

Support Officer. Formal complaints should be submitted to complaints@top.edu.au or appeal@top.edu.au within 30 working days of the decision or action that was the cause of the grievance. The lodgement of a formal complaint will be recorded on the Institute's Complaints and Appeals Register and the process managed by the Institute's Student Grievance Committee from this point. The student will receive written confirmation within 48 hours that their written complaint has been received.

Students have the right to withdraw a complaint at any time during the investigation process. A withdrawal must be notified in writing and the investigation will cease immediately upon receipt of the withdrawal.

Students have the right to pursue an avenue of external resolution prior to the completion of the Institute's internal grievance resolution process. Avenues of external resolution are listed below (See para 4.6) and further advice is available from Student Services and the Student Support Officer. It should be noted, however, that external resolution services may require that all possible internal resolution mechanisms have been utilised before providing their service. When external resolution is being accessed by a student, all internal processes will cease.

4.4 Student Grievance Committee

The Institute's Student Grievance Committee (SGC) is responsible for investigating and determining all formal student grievances. The Committee consists of the Chair of the SGC, at least one student representative and at least one staff representative (management and/or academic staff, as appropriate). The SGC Chair is appointed by and reports to the Chair of Academic Board on all academic matters. In non-academic matters, the SGC Chair reports to the Chair of Council. In consultation with the SGC Chair, the Chair of Academic Board or the Chair of Council, as the case may be, appoints other members of the SGC.

The SGC will conduct all investigations according to principles of procedural fairness including:

- The investigation and decision-making procedures will be conducted fairly and without bias. SGC members are required to disclose any conflict of interest and the conflict must be managed appropriately by the SGC Chair.
- Students can expect to be treated with courtesy and without fear of victimisation or prejudicial treatment. All parties involved in the grievance will be given an opportunity to present their case.

The SGC may dismiss a grievance without any or a complete investigation if the student does not provide sufficient evidence to justify further consideration of the matter. The student will be advised in writing of this outcome with supporting reasons.

4.6 Investigation process

In considering a grievance, the SGC will follow processes that are likely, in its opinion, to result in a resolution of the grievance.

- An investigation will generally require a meeting with the student. The SGC will advise Student Services to organise a face to face meeting, where possible, or a phone meeting within 10 working days from the submission of the formal complaint form. Students are encouraged to bring a support person with them to the meeting, or be present during the phone meeting if they wish. At the discretion of the SGC Chair, the support person may participate in the discussion. The purpose of the support person is to be a neutral witness to discussion. The support person may be a student, a member of a student representative body,

a staff member not connected with the matter, family member or other person. When the support person is a legal representative or currently practicing solicitor or barrister, SGC should be informed no later than five (5) working days prior to the meeting.

- The grievance investigation may also involve speaking to relevant staff or students, accessing the student file and/or speaking to external parties. The student will be advised should the SGC consider it necessary to involve external parties in the investigation and confidentiality will be respected.
- All formal grievance or complaints will be dealt with in a constructive and timely manner, usually within ten (10) working days. Where more than 30 calendar days are required to process a complaint or appeal, the student is advised in writing of the reasons and the parties regularly updated in writing.
- Once the investigation has been conducted and a determination made by the SGC, the student will receive a written response. The response will include a full explanation of decisions and reasons for decisions as well as all actions taken as part of the process. Students will also be provided with advice regarding external avenues of appeal. The written response should be provided within five (5) working days of the decision being made and any implementation required following the decision. Appropriate staff responsible for the implementation will also be notified.
- Where the outcome of the grievance resolution process results in a decision that supports the student, the Institute will immediately implement any decision and/or corrective and preventative action required and advise the student of the outcome.
- Written records will be kept of all processes of the investigation. Records will be treated as confidential and will be covered by the Institute *Privacy Policy*. Records of the investigation procedures and their outcomes must be maintained for a period of at least 5 years.

4.7 External Mediation/Dispute Resolution

If, after all aspects of the Institute's internal Grievance procedure are exhausted, the student feels the matter remains unresolved, the student may access external mediation. Student Services and the Student Support Officer will provide clear information on external mediation and dispute resolutions options.

If a student is not satisfied and considers their complaint is relevant to the Institute's non-compliance with the TEQSA Threshold Standards they may contact TEQSA see:

<http://www.teqsa.gov.au/complaints>

External Mediation and Dispute Resolution Information

Domestic students will be referred to:

Resolution Institute

The Resolution Institute is an independent national association of dispute resolution.

Level 1, 13-15 Bridge Street

Sydney NSW 2000

Phone: (+61 2) 9251 3366

Fax: (+61 2) 9251 3733

Freecall: 1800 651 650
Email: infoaus@resolution.institute
Website: www.resolution.institute

Domestic FEE-HELP

A student who is enrolled in or entitled to FEE- HELP and is not satisfied with the decision may apply to the Administrative Appeals Tribunal (AAT) for a review of that decision. Further information about the AAT including all costs and required application forms can be obtained from www.aat.gov.au.

International Students

An international student may lodge an external appeal or complain about the decision to the Overseas Student Ombudsman. The Overseas Student Ombudsman offers free and independent advice to international students who may have a complaint about their private education or training provider. The student will be referred to:

Overseas Student Ombudsman

GPO Box 442 Canberra ACT 2601
Phone: 1300 362 072
www.oso.gov.au

5. RELATED DOCUMENTS

- i. Assessment Policy and Procedures
- ii. Examinations Policy and Procedure
- iii. Research Higher Degree Assessment and Assessment Appeals Policy
- iv. Research Higher Degree Admissions Policy
- v. Research Higher Degree Confirmation of Candidature and Progression Review Policy
- vi. Access and Equity Policy
- vii. Code of Conduct for Students
- viii. Student Academic Integrity Policy
- ix. Recognition of Prior Learning (RPL) Policy
- x. Student Progression, Exclusion and Graduation Policy
- xi. Student Selection and Admissions Policy
- xii. Bullying, Harassment and Discrimination Prevention Policy
- xiii. Fees and Charges Policy
- xiv. Minimum Resources for Research Higher Degree Students Policy

6. VERSION CONTROL.

| Historical Version | Approved by | Approval Date |
|---|--------------------|----------------------|
| 2018.06 | Academic Board | 14/06/2018 |
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