



Student Appeals Policy and Procedure

Purpose

1. The purpose of this Policy and Procedure is to outline the principles and processes for the handling of internal and external appeals by students of the Australian International Institute of Higher Education (the Institute) against the outcome of a grievance, or against a decision made by the Institute in circumstances outlined in this and related policies.

Scope

2. This Policy and Procedure applies to:
 - a) prospective students of the Institute;
 - b) currently enrolled students;
 - c) graduates of the Institute whose enrolment ended no more than six months before the appeal was lodged;
 - d) any decisions made by the Institute that impact on a student, including in relation to the outcomes of any student grievances.

Definitions

3. For the purposes of this Policy:
 - a) **appeal** - an action taken when students wish to challenge the outcome of a grievance or a decision made by the Institute in defined circumstances;
 - b) **appellant** – the student who has lodged an appeal against the outcome of a grievance or a decision made by the Institute;
 - c) **complainant** – a student who has taken action in relation to a grievance under the Student Grievance Policy and Procedure;
 - d) **grievance** - a student's expression of dissatisfaction with any aspect of the Institute's services and activities, such as:
 - i. the enrolment, induction/orientation process;
 - ii. the quality of education provided;
 - iii. academic processes, including student progress, assessment, curriculum and awards in a course of study;
 - iv. handling of personal information and access to personal records;
 - v. attitude and behaviour of academic or administrative staff; or
 - vi. the way someone has been treated including victimisation or bullying, discrimination, (non-sexual) harassment, vilification and any matter that arises from a perception of unfair or inappropriate treatment.
 - e) **respondent** – a person against whom a grievance has been lodged, formal or informal.



Policy

Principles

4. This Policy and Procedure recognises that the effective management of appeals:
 - a) provides for natural justice in the handling of student issues and assures the quality and fairness of decision-making;
 - b) contributes to an improved educational environment for students.

5. The management of appeals at the Institute is guided by the following principles:
 - a) consistency;
 - b) ethical and equitable practices;
 - c) respect for all parties;
 - d) procedural fairness and appropriate impartiality;
 - e) transparency;
 - f) timely and effective processes.

6. During all stages of the appeal process the Institute will take all steps to ensure that:
 - a) the appellant has an opportunity to formally present his or her case and to be accompanied and assisted by a support person at any relevant meetings;
 - b) a full explanation in writing for decisions and actions taken as part of the process will be provided to the appellant;
 - c) where the internal or external appeal process results in a decision that supports the appellant, the Institute will immediately implement any decision and/or corrective and preventative action required and advise the appellant of the outcome;
 - d) there is no cost to the appellant for using the internal appeals process and that any costs for accessing external appeals mechanisms are minimised.

Procedure

Internal appeals

Grounds for appeal

7. If a student is dissatisfied with the outcome of a grievance managed under the provisions of the *Student Grievance Policy and Procedure*, they may lodge an appeal.
8. Students also have the right to appeal a decision made by the Institute under other policies and procedures where:
 - a) the conditions and processes in the Institute's policy or procedure have not been adhered to;
 - b) the student's performance, behaviour or action was affected by circumstances that could not be reported at the time for valid reasons and have not been taken into account in making the relevant decision;



- c) there has been a material lack of clarity on the part of the Institute in relation to documentation or expectations which has affected the performance, behaviour or actions of the student; or
- d) staff have not acted fairly towards a student by showing bias in the way they have made a decision.

Lodging an appeal

9. All requests for appeals must be lodged initially with the senior manager of the relevant area, being the Academic Dean for academic decisions or the Student Services Manager for administrative decisions, within 20 working days of the decision or outcome which is the subject of the appeal.

Appeal assessment and findings

10. The relevant senior manager will acknowledge receipt of the appeal and commence assessment within ten (10) working days as follows:
- a) the senior manager may themselves review the outcome of a minor grievance or a decision made under other Institute procedures where they have not been involved in the original resolution;
 - b) all other appeals must be referred to a Student Appeals Committee (SAC) convened by the senior manager.
11. An SAC will normally consist of the following members but membership may be adjusted depending on the issue being appealed (eg an appeal against a finding of sexual misconduct requires individuals with appropriate training):
- a) an external member of the Academic Board;
 - b) an external member of the Governing Council;
 - c) one academic staff member, who has had no involvement with the student on other matters;
 - d) one professional staff member of the Institute employed at a managerial level or above.
12. The Chair of the Committee will be either the Academic Board or Governing Council Member, depending on the nature of the decision being appealed.
13. The senior manager or SAC will gather any other information deemed necessary to determine the appeal. This may include further consultations with relevant parties. Each party may ask another person to accompany them to these further consultations.
14. After consideration of all relevant information, the senior manager or Chair of the SAC will provide a written report with their recommendations to the Chief Executive Officer for approval.
15. Following approval of the recommendations, a letter will be sent to the appellant advising the further steps to be taken to address the grievance or original decision, and the reasons for the decision, within ten (10) working days. The letter will further advise the appellant of their right to access the external appeals process if they are not satisfied with the outcome of their internal appeal.



External appeal

16. All appellants have the right to seek external avenues of appeal if they are dissatisfied with the outcome of internal appeals processes within the Institute.
17. A number of external appeal avenues exist for students depending on their domestic or international status and the nature of their issue. The key agencies are summarised in the table in Appendix One to this Policy. The Institute does not charge any student for referrals to external support services/agencies.
18. Students also have the option of seeking a mediator or legal advice at their own expense.

Dispute resolution service – all students

19. If any appellant is dissatisfied with the outcome of their appeal, they may make a written request to the Institute that they wish the matter to be dealt with through an external dispute resolution process facilitated by the Resolution Institute.
20. The Institute will then advise the Resolution Institute in writing of the request within five (5) working days. The Resolution Institute will arrange for a mediation or arbitration, whichever has been requested by the appellant, to be held between the Institute and the appellant within ten (10) working days of the written notification from the Institute.
21. If the appellant requested mediation and the matter remains unresolved, then the matter will proceed to arbitration with the Resolution Institute.
22. The Institute will bear any costs associated with the mediation or arbitration.
23. The appellant/complainant or the respondent may ask another person to accompany them to the mediation or arbitration meetings.
24. The outcome of the mediation, including any recommendations arising, will be reported to the Chief Executive Officer, or his or her nominee, within ten (10) working days of the completion of the review. Upon receipt of the report of the outcome from the Resolution Institute, a written report will be provided to the appellant within five (5) working days on the recommended actions to resolve the grievance.
25. The Institute agrees to be bound by recommendations from the Resolution Institute and the Chief Executive Officer, or his or her nominee, will ensure that any recommendations made are implemented immediately.

International students

26. If an international student is dissatisfied with the outcome of an appeal at the end of the internal appeals process, the student may wish the matter to be dealt with through an external dispute resolution process facilitated by the Commonwealth Ombudsman. More details about how the Commonwealth Ombudsman may assist international students are available in Appendix One.
27. For matters not covered by the by the Commonwealth Ombudsman, international students may access the external dispute resolution process outlined above.



Outcomes of grievance and appeals processes

28. Where the outcome of any internal and external appeals process supports the student, the Institute will implement the decision or corrective action as soon as possible and advise students accordingly.

Further action

29. The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other policies or under statute or any other law. Nothing in this Policy and Procedure limits the rights of individuals to take action under Australia's Consumer Protection laws. Also, these procedures do not circumscribe an individual's rights to pursue other legal remedies.

Enrolment status

30. Where a student chooses to access any provisions under this Policy and Procedure, the Institute will in most cases maintain the student's enrolment while the appeal process is ongoing. For more information on the enrolment status of an international student in relation to appeals, refer to the Institute's *International Student Enrolment Policy*.

Record keeping and confidentiality

31. A written record of all appeals handled under this Policy and Procedure and their outcomes shall be maintained for a period of at least five (5) years in the Student Grievance and Appeals Register. All parties may seek appropriate access to these records upon written request to the Student Services Manager.
32. All records relating to appeals will be treated as confidential and are covered by the Institute's *Personal Information and Privacy Policy and Procedure*.

Reporting

33. The Student Services Manager will prepare a report each year analysing data from the Grievance and Appeals Register for submission to the Governing Council. The report will include any recommendations for improvements to Institute services and operations on the basis of any identified trends.
34. The Governing Council will approve recommendations as appropriate and allocate any necessary budget and responsibility for implementation.

Approval, publication and training

35. This Policy and Procedure will be made available to students and prospective students through publication in the *Student Handbook* and on the Institute's website.
36. This Policy and Procedure will form part of the staff induction process.

Responsibilities

37. The Academic Dean is responsible for considering requests for internal appeals for in relation to academic matters.
38. The Student Services Manager is responsible for:



- a) considering requests for internal appeals in relation to administrative matters;
 - b) maintaining the Student Grievance and Appeals Register;
 - c) preparing an annual Grievance and Appeals Report.
39. The Chief Executive Officer is responsible for:
- a) approving recommendations from internal appeals;
 - b) ensuring recommendations from internal and external appeals are implemented.
40. The Governing Council is responsible for ensuring that any systemic issues arising from observed trends in grievances and appeals are addressed and monitored.



Associated information

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| Approving body | Governing Council |
| Date approved | 23 October 2020 |
| Date of effect | Commencement of operation |
| Next scheduled review | Two years from when policy commence |
| Policy owner | Chief Executive Officer |
| Policy contact | Chief Executive Officer |
| Related AIIHE Documents | <i>Student Grievance and Appeals Register</i> <i>Student Grievance Policy and Procedure</i> <i>Staff Academic Integrity Policy and Procedure</i> <i>Student Academic Integrity Policy and Procedure</i> <i>Academic Progression and Students at Risk Policy and Procedure</i> <i>Assessment Policy and Procedure</i> <i>Assessment Review Policy and Procedure</i> <i>International Student Enrolment Policy and Procedure</i> <i>Sexual Assault and Sexual Harassment Prevention Policy and Procedure</i> <i>Admission Policy and Procedure</i> <i>Student Code of Conduct</i> |
| Higher Education Standards Framework (Threshold Standards) 2015 (Cth) | Section 2.4 Section 6.2 Standard 6.3, ss 2 Standard 7.2, ss. 2 Standard 7.3, ss3 |
| Other related external instruments/documents | Related Legislation <ul style="list-style-type: none">• <i>Tertiary Education Quality and Standards Agency Act 2011 (Cth)</i>• <i>Education Services for Overseas Students Act 2000 (Cth)</i>• <i>National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth)</i>• <i>Privacy Act 1988 (Cth)</i>• <i>Ombudsman Act 1976 (Cth)</i>• <i>Competition and Consumer Act 2010 (Cth)</i> Good Practice Documents <ul style="list-style-type: none">• <i>TEQSA Guidance Note: Grievance and Complaint Handling, Version 1.1</i> |



Document history

| Version | Author | Changes | Approval Date |
|---------|----------------|------------------|-----------------|
| 1.0 | Not applicable | Original version | 23 October 2020 |
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Warning - Document uncontrolled when printed! The current version of this document is maintained on the AIIHE website at www.iihe.edu.au

Appendix 1 – Independent complaint-handling and appeal bodies

| Issue | Agency | Guidance | Key Legislation | Complaint Form /Contact |
|---|--|--|---|---|
| General issues | Resolution Institute | Dispute resolution by mediation or arbitration | N/A | https://www.resolution.institute/resolving-disputes/tertiary-student-au |
| Discrimination | Queensland Human Rights Commission www.qhrc.qld.gov.au | If a complaint is accepted by the Commission, it generally tries to resolve it through a complaint resolution process, called a conciliation. The process may differ depending on your circumstances and which piece of legislation the complaint is made under. | Anti-Discrimination Act 1991 (Qld), Human Rights Act 2019 (Qld) | https://www.qhrc.qld.gov.au/complaints/make-a-complaint |
| Disability discrimination, sex discrimination, race discrimination, age discrimination | Australian Human Rights Commission https://www.humanrights.gov.au/ | The Australian Human Rights Commission investigates and conciliates complaints about discrimination and breaches of human rights. Many complaints that the Australian Human Rights Commission receives are resolved through conciliation. | Age Discrimination Act 2004 (Cth), Disability Discrimination Act 1992 (Cth), Racial Discrimination Act 1975 (Cth), Sex Discrimination Act 1984 (Cth), Australian Human Rights Commission Act 1986 (Cth) | www.humanrights.gov.au/complaints/make-complaint |
| Mishandling of personal information | Office of the Australian Information Commissioner https://www.oaic.gov.au/ | The Privacy Act 1988 has strict rules about how an organisation or agency handles personal information. If students think their personal information has been mishandled, they can lodge a complaint with the Office of the Australian Information Commissioner for free. | Privacy Act 1988 (Cth) | https://www.oaic.gov.au/privacy/privacy-complaints/lodge-a-privacy-complaint-with-us/ |
| Complaints from international students (except for quality issues), including: <ul style="list-style-type: none"> refusing admission to a course fees and refunds course or provider transfers course progress or attendance cancellation of enrolment accommodation or work arranged by your provider incorrect advice given by an education agent. | Commonwealth Ombudsman http://www.ombudsman.gov.au/How-we-can-help/overseas-students | Students can complain about their education provider if they believe the provider may not have followed the rules correctly or treated them fairly. The Ombudsman also considers cases of inaction or delay, for example, failure by a provider to issue student results within the normal timeframes or failure to provide services that were included in the student's written agreement with the education provider. | Ombudsman Act 1976 (Cth) | https://forms.business.gov.au/smartforms/serve/SmartForm.html?formCode=oco-complaint-form |
| Complaints about goods or services purchased from a business | Office of Fair Trading www.fairtrading.qld.gov.au | If parties don't reach a solution to a dispute, they can lodge an official complaint with the Office of Fair Trading. They then attempt to conciliate the dispute. The more information is provided, the more quickly and accurately it can be assessed. | Fair Trading Act 1989 (Qld) | https://forms.business.gov.au/smartforms/serve/SmartForm.html?formCode=oft-complaint-form |

| Issue | Agency | Guidance | Key Legislation | Complaint Form /Contact |
|--|---|--|---|--|
| <p>Consumer rights and obligations</p> <p><i>Note: the ACCC does not resolve complaints but provides information which may be useful to students</i></p> | <p>Australian Competition & Consumer Commission</p> <p>https://www.accc.gov.au/</p> | <p>The Australian Competition & Consumer Commission may be contacted for information about consumer rights and obligations, and possible courses of action.</p> <p>While the Commission doesn't resolve individual complaints, it will use the information you provide to help them understand what issues are causing the most harm to Australian business and consumers, and where to focus its compliance and enforcement efforts.</p> | <p>Competition and Consumer Act 2010 (Cth)</p> | <p>https://www.accc.gov.au/consumers/complaints-problems/make-a-consumer-complaint</p> |
| <p>Consumer and trader disputes</p> | <p>Queensland Civil and Administrative Tribunal</p> <p>https://www.qcat.qld.gov.au</p> | <p>If students are unable to reach a satisfactory outcome with the Institute, they can either choose to:</p> <ul style="list-style-type: none"> invite the other party to attend mediation which is a way of settling a dispute without legal action. The Department of Justice provides a free mediation service through its Dispute Resolution Centres, or apply to QCAT to resolve your dispute. Claims must be lodged within six years of the incident happening. | <p>Queensland Civil and Administrative Tribunal Act 2009 (Qld)</p> | <p>https://www.qcat.qld.gov.au/matter-types/consumer-and-trader-disputes</p> |
| <p>Compliance with the TEQSA Act, Higher Education Standards Framework, ESOS Act and National Code</p> | <p>Tertiary Education Quality and Standards Agency</p> <p>https://www.teqsa.gov.au/</p> | <p>The Tertiary Education Quality and Standards Agency receive complaints about providers' compliance with the TEQSA Act, Higher Education Standards Framework, ESOS Act and National Code.</p> <p>If the complaint is accepted, the information provided will be reviewed. The outcome of this review will determine how the complaint will proceed. Depending on the type of complaint, the Agency may:</p> <ul style="list-style-type: none"> use the information to inform future regulatory assessment of a provider broaden the scope of future regulatory assessment of a provider commence an assessment of the compliance of a provider against the HES Framework. <p>The Agency cannot accept complaints about:</p> <ul style="list-style-type: none"> matters relating to FEE – HELP matters of academic judgement, such as examination results requests for providers to re-mark work issues concerning visas problems that the provider has already rectified | <p>Tertiary Education Quality and Standards Act 2011 (Cth), Higher Education Standards Framework 2015 (Cth), Education Services for Overseas Students Act 2000 (Cth), National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth)</p> | <p>https://www.teqsa.gov.au/complaints</p> |



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