

## **Student Grievance, Complaints and Appeals Policy and Procedures for Academic Matters**

### **1. Purpose**

The policy provides a framework for enabling and managing students' grievances, complaints and appeals.

The procedure provides guidelines and processes for both EIA staff and students to follow and ensures that at all times EIA responds to grievances, complaints and appeals in a fair and equitable way promptly.

In line with our Quality Framework, EIA will take prompt corrective actions when formal complaints or appeals are upheld.

This policy complies with the Higher Education Standards Framework (Threshold Standards) 2015 in the Tertiary Education Quality and Standards Agency Act 2011 by the Commonwealth of Australia, specifically to Section 2.4 Student Grievances and Complaints; and the National Code of Practice for Providers of Education and Training to Overseas Students 2018 – Standard 10 Complaints and Appeals.

### **2. Scope**

This policy and procedure document applies to current and prospective students (henceforth "students"), and academic staff who are responsible for providing teaching and learning.

### **3. Responsibility**

The Academic Director is responsible for the implementation of this policy and procedure.

### **4. Definitions**

**Academic Grievance** – A grievance can be defined as a student's expression of dissatisfaction with any aspect of EIA's services and activities. This includes but not limited to students' course structure and information, intervention strategies, reviewing academic results, examinations or any other academic decisions and processes.

**Appeal** – An appeal is a request by a student for reconsideration of the outcome of a grievance or complaint.

### **5. Requirements**

5.1 The policy and procedure must be available to students and staff from the following:

- EIA website
- student handbook
- provision to students at orientation
- reference in the orientation procedures for EIA staff

- 5.2 The deadline as stated should be met. If a deadline is to be exceeded by EIA, the student must always be informed of the length and reason for the delay. The student must inform EIA about any reason for and likely length of any delay.
- 5.3 The EIA Assessment Policy and Procedure and Special Consideration Policy and Procedure stipulates the policy and procedures for students to apply for an extension of an assessment deadline.
- 5.4 Student grievances and appeals will be treated confidentially at all stages of the process. Information about a grievance or an appeal will be strictly limited to staff who are authorised and need to know how to deal with the grievance or appeal.
- 5.5 Records of all grievances and appeals and their outcomes will be kept strictly confidential and filed separately, with a unique file identifier and stored in a secure location in EIA for at least five years.
- 5.6 The student will have the right to supervised access to all records stored by EIA concerning his or her grievance and/or appeal.
- 5.7 EIA staff members who may not necessarily have had direct involvement in the formal grievance and appeal case/s may have access to the records if required to do so in their normal work undertakings.
- 5.8 A student has the right to complain or appeal without discrimination and will not face any retribution for making genuine complaints under this policy and procedure.
- 5.9 A student's enrolment must be maintained while a grievance, internal appeal or external appeal is in progress and the outcome of the grievance/appeal process has not been determined.
- 5.10 One exception relates to cases where EIA intends to defer or suspend an international student's enrolment due to misconduct or to cancel the student's enrolment EIA only needs to wait for the internal appeal outcome before notifying the Department of Home Affairs of the change/s to the student's enrolment, unless extenuating circumstances relating to the welfare of the student apply.
- 5.11 Extenuating circumstances' relating to the welfare of the student must be supported by appropriate evidence, including:
- having medical or mental health conditions which have led EIA to be concerned with the student's wellbeing;
  - having engaged or threatened to engage in behaviour that is reasonably believed to endanger the student or others, or
  - is at risk of committing an illegal offence.
- 5.12 Given the nature of many grievances, EIA expects that most concerns will be resolved at the informal stage (Stage 1). This form of resolution provides an ideal opportunity for open and direct dialogue between the student and staff member. Additionally, an informal resolution normally provides the most time effective mechanism for resolving grievances.
- 5.13 Four Stages in the Grievance, Complaints and Appeals Resolution Process are outlined below. Stages 1 to 3 will be resolved within EIA. At stage 4, where a student opts to take the complaint to a mediation process which is facilitated by a mutually agreed neutral external arbitrator. At stage 4, dispute resolution refers to the processes by which disputes are brought to an end. This can occur through: (1) a mediated outcome, where a mediation process is facilitated by a neutral third party called a mediator to help the parties negotiate a mutually acceptable agreement, or (2) an arbitrated or adjudicated outcome, where an independent arbitrator determines how the dispute is to be resolved and makes a binding decision or order to this effect. Complainants have the option to proceed directly to an arbitrated or adjudicated process. This may be particularly appropriate in cases of sexual harassment or sexual abuse.
- 5.14 The procedure will be implemented at minimal or no cost to EIA's students.

- 5.15 EIA students are given an opportunity to be accompanied and assisted by a support person at any meetings conducted under this Policy.
- 5.16 Students have the right to seek to resolve a dispute by accessing assistance from other legal sources. Students are advised to: a) contact a solicitor, or b) contact the Law Institute of Victoria, 470 Bourke St Melbourne 3000, and telephone 9602 5000 for a referral to a solicitor.
- For international students, EIA will only report unsatisfactory course progress in PRISM if: the internal and external appeal process have been completed and the decision supports EIA; or the student has chosen not to access the internal appeal process within the 20 working days period; or the student has chosen not to access the external appeal process; or the student withdraws from the internal or external appeals processes by notifying EIA in writing.

## 6. Procedures

### 6.1 Stages of the Grievances, Complaints and Appeals Resolution Process

The EIA Grievance and Appeals resolution process comprises four stages. Every stage represents an increased level of formality. Lodgement of a formal complaint or appeal will not incur a fee. The stages entail:

- Stage 1: Informal discussion between the student and Unit Coordinator/Lecturer involved and/or the Course Coordinator involved. (NOTE: if the matter relates to the behaviour or conduct by a staff member, the supervisor is the appropriate person to contact)
- Stage 2: Formal Internal Grievance/Appeal to the Course Coordinator of EIA.
- Stage 3: Formal Internal Appeal to the Academic Director
- Stage 4: External Appeal normally to a person/body nominated by EIA as the External Reviewer or, for the international students, the Commonwealth Ombudsman.

At each stage, students wishing to appeal will be asked to provide evidence that they have not been fairly treated or that a previous decision was unreasonable.

Both the student and the staff member have the right to be represented by a third party who can provide advocacy or professional advice during each stage of the appeal process.

Both the student and the staff member have the right to have decisions and actions fully explained in writing.

### 6.2 Stage 1 involves having an informal discussion and negotiation between the student and staff member to resolve the grievance.

Generally, within one month of the occurrence of the matter which caused the grievance or complaint the student should contact the staff member concerned or their supervisor (as relevant) and discuss/negotiate their concerns to arrive at a mutually agreeable resolution. The student may contact the staff member in person via email to the staff member's EIA email address or by phone to the staff member or in person.

EIA telephone: 9041 3050

The student is responsible for clearly stating the reason for the grievance or complaint and providing evidence to support such claims.

Following the discussion, the staff member will investigate the grievance with procedural fairness. Further investigative consultations with relevant staff and students may result from informal discussions. If the matter is serious, then the staff member should advise the student to lodge a formal written complaint.

A 10-working day reply period normally applies after a student grievance is presented. This response will include:

- the nature and grounds of the student's grievance or complaint

- the staff member's decision on the matter or a description of an agreed outcome
- a copy of the EIA's Student Grievances and Appeals Policy and Procedures

No further requirements are needed from students at this stage. If students are not satisfied with the response, the decision outcome or the time taken to resolve the matter, they should proceed to Stage 2.

### 6.3 Stage 2: Formal Internal Grievance/Appeal to the Course Coordinator of EIA

A student at this stage may:

- a) lodge a formal grievance or complaint; or
- b) lodge a formal appeal against the outcome concerning his or her grievance that was made by the staff member at Stage 1

The student should lodge their formal grievance within one month of the occurrence of the matter that caused grievance or for an appeal of stage 1, within 10 working days of the student's receipt of the staff member's decision or advice, as applicable.

Formal grievances or appeals must be lodged with the Course Coordinator using the Student Grievance and Appeal Form which can be found in the student handbook or on the website.

Upon completion, the Student Grievance and Appeal Form must be submitted to the Course Coordinator. The grievance or appeal will be entered on the EIA continuous improvement register and the case will be investigated.

In the written communication at this Stage, the student should:

- clearly, state the reason for the grievance or appeal;
- Notify whether the grievance or appeal should proceed to Stage with reasons for not proceeding the case.
- Present the original decision where applicable;
- explain why reconsideration is being requested (if applicable);
- provide copies of documents between the staff member and the student which occurred at Stage 1 and/or 2, and
- attach any evidence that supports his or her grounds for grievance or appeal (if applicable).

The Course Coordinator will investigate the case with procedural fairness and may:

- Assign appropriate staff who have not previously been involved in the case to assist with the investigation;
- consult with relevant staff as well as the students of EIA, on matters relating to the case; and/or
- ask the students to discuss the case either face-to-face or via teleconference

The Course Coordinator will commence the investigation within 10 working days of the grievance submitted and make all efforts to respond the investigation outcome to the student via letter or email within 20 working days after receiving the student's formal grievance or appeal.

If the student has lodged an initial grievance, this response will make clear the decision of the Course Coordinator and the reasons for the decision.

If the student has appealed a decision made by a staff member at Stage 1, this response will make clear that, as a result of the findings from the investigation, it has been decided to:

- Retain the first decision; or
- Change the first decision, explaining details of the change/s; or
- Overturn the first decision with a new decision with relevant details.
- Reasons for making such decision.

This response will also include a copy of EIA's Student Grievances and Appeals Policy and Procedures.

No further requirement will be made from the student at this stage. If the student is not satisfied with the response, the decision outcome or the time taken to resolve the matter, the student should proceed to Stage 3.

#### 6.4 Stage 3: Formal Internal Appeal to the Academic Director

The student may formally appeal a decision made at Stage 2, normally within 10 working days of their receipt of the written response from the Course Coordinator.

A formal appeal must be lodged to the Academic Director using the Student Grievance and Appeal Form, provided in the student handbook or on the website.

As part of this communication at this Stage the student should:

- clearly, state the reason for the grievance or appeal;
- Present the original two decisions where applicable and provides copies of documents between the staff member and the student which were exchanged at Stage 1 and 2, and;
- explain why reconsideration is being requested (if applicable);
- attach any evidence that supports the grounds for grievance or appeal.

The Academic Director will commence the investigation of the case presented with procedural fairness within 10 working days of it being submitted.

The Appeal Committee of two or three members nominated by EIA will include an Academic Board member or a member from the Standing Committees.

The Course Coordinator or another staff member of EIA, to whom a formal grievance or appeal was lodged at Stage 2, will not be nominated to be part of the Appeal Committee.

Throughout the investigation, any staff involved in the process, including the EIA Academic Director may:

- consult with relevant staff as well as the students of EIA about the case; and/or
- Request the students discuss the case with the Committee face-to-face or via teleconference

The Appeal Committee will make an independent decision based on the evidence and findings from the investigation as follows:

- the first decision; or
- Changes to the first decision, explaining the details of the change/s; or
- Overturn the first decision with a new decision, outlining the details.
- Reasons for such a decision.

The student will be notified of the appeal decision, in a letter or via email within 10 working days of the completion of the internal appeal process.

This response will also include information of the student's right to access an external appeal body, the contact of the external appeal body and copy of EIA's Student Grievances and Appeals Policy and Procedures.

No further requirement will be necessary from the student at this stage. If the student is not satisfied with the response, or the decision outcome or the time taken to resolve the matter, the student should proceed to Stage 4.

#### 6.5 Stage 4: External Appeal

A student dissatisfied with the outcome of the internal grievance and appeal process may seek mediation or resolution of the complaint via a neutral third party that may be sourced from the list in item 6.7.

If the complaint process results in a decision or recommendation in favour of an overseas student, the Academic Director must mediate implement the recommendation.

Domestic students can elect to take their grievance or appeal to a neutral external third party (see 6.7).

International students who intend to study or are studying on a student visa may appeal to the Commonwealth Ombudsman. The service is provided by the Australian Government and is readily available for all international students. Further details about Ombudsman: [www.oso.gov.au](http://www.oso.gov.au).

## 6.6 Record of grievance and appeal documents

Records of all grievances and appeals and their outcomes will be kept strictly confidential and filed on the EIA Complaints and Appeals Register, with a unique file identifier and stored in a secure location by EIA for at least five years.

EIA will identify potential causes of grievance and appeal and take appropriate corrective action to eliminate or mitigate the likelihood of recurrence.

## 6.7 Continuous improvement

Students can provide feedback about the process by writing to [feedback@EIA.edu.au](mailto:feedback@EIA.edu.au).

Any improvement action arising from a student grievance or appeal will be noted in the Continuous Improvement Register. The Academic Director will develop a report based on the register and provide it to the Operating Director, who will in turn report to the Board of Directors. The data will be used to identify areas of improvement, and relevant corrective actions will take place.

## 6.8 External Resolution Options:

Before you make a complaint to an external party:

Students should try to resolve the complaint with EIA. Ask about EIA's internal complaints process. Check and proceed through the EIA appeals process. If you are not satisfied with a decision made by EIA, students may elect to proceed to external resolution.

External parties for resolution of complaints:

### **Commonwealth Ombudsman:**

International students should lodge appeals with the Commonwealth Ombudsman. The Office of the Commonwealth Ombudsman investigates complaints that future, current or former international students have with private education providers. Their service is free of charge and there is no charge to make a complaint.

### **How the Commonwealth Ombudsman works:**

- investigate complaints about private education providers in Australia
- provide information about best practice complaint-handling
- publish reports on issues in international education.

### **What the Commonwealth Ombudsman can help you with:**

You can complain about your private education provider if you believe they may not have followed the rules or treated you fairly. Complaints might be about:

- 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.

To read more about how **the Commonwealth Ombudsman** can help, visit their website further information about <https://www.ombudsman.gov.au/How-we-can-help/overseas-students>:

- attendance
- course progress
- education agents
- fees and refunds
- transferring between education providers
- written agreements
- overseas student health cover
- grades and assessments.

**What the Commonwealth Ombudsman cannot help you with:**

- complaints about a public education provider
- complaints about the quality of your education provider. For example:
  - the qualifications and experience of your teachers
  - the quality of the teaching in your course
  - the resources at your school, college or university, for example: equipment or library resources
  - the building, classroom and amount of space available for your course
  - issues about the relocation of your school, college or university campus.

Students can make their complaints through:

- The Commonwealth Ombudsman's online Form
- By phone: In Australia, call: 1300 362 072. Outside Australia, call +61 2 6276 0111.

**Resolution Institute:**

Domestic and international students may also lodge an external appeal or complaint against the outcome of the internal appeal process by contacting the Resolution Institute. The Resolution Institute is a nation-wide association resolving a dispute. Resolution Institute is an independent external arbiter for the review of grievance, complaints, and appeals outcomes. Resolution Institute also provides advice on legal arbitration. Complainants may contact the Resolution Institute directly.

Students can contact Resolution Institute through:

Phone: +61 2 9251 3366

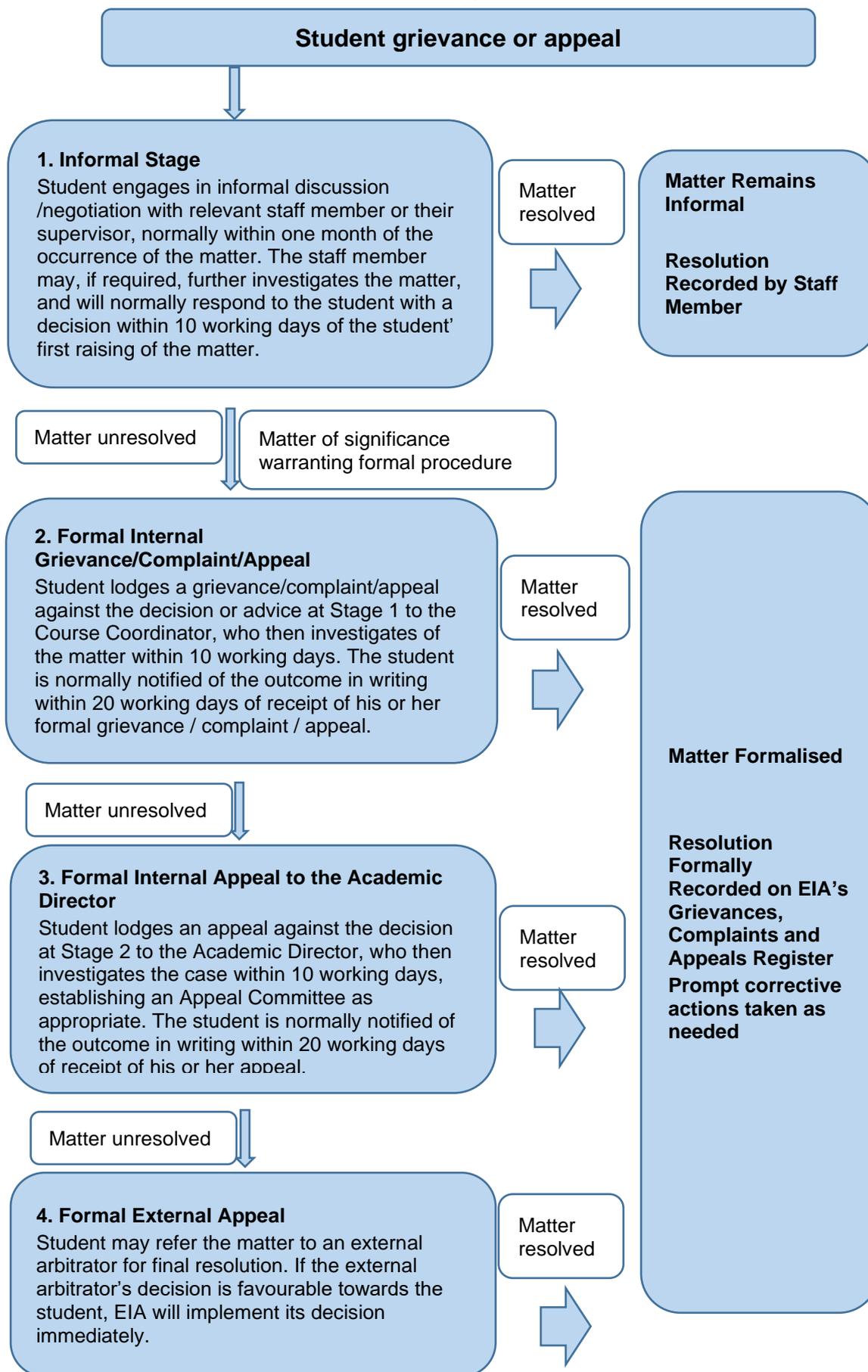
Free call: 1800 651 650

Fax: +61 2 9251 3733

Website: [www.resolution.institute](http://www.resolution.institute)

Email: [infoaus@resolution.institute](mailto:infoaus@resolution.institute)

## Flow Chart of Student Grievance and Appeals Procedure



<b>Document Title</b>	Student Grievance, Complaints and Appeals Policy and Procedures for Academic Matters
<b>Date Created</b>	10/05/2019
<b>Created By</b>	Academic Director
<b>Current Version</b>	2.1
<b>Last Approved Date</b>	3/9/2020
<b>Approval Authority</b>	Academic Board
<b>Custodian</b>	Quality and Governance Officer
<b>Responsible for Implementation</b>	Academic Director
<b>Version History</b>	
Version Number	Amendments
2.0 (Approved on 19/05/2020)	<ol style="list-style-type: none"> <li>1. add national code 2018 to the purpose of the policy</li> <li>2. expand the definition of non-academic grievance to include agents and any related party that GHEA has an arrangement with</li> <li>3. Amend procedures: <ul style="list-style-type: none"> <li>- add the requirement that the investigation of grievance, appeal to be within 10 working days of the student lodgement</li> <li>- amend the requirement to inform student the outcome of the internal appeal process from 20 to 10 working days to align with the Standard 10.</li> <li>- add the requirement that written response to student internal appeal to include the student right to external appeal and the contact of the external appeal.</li> <li>- add the requirement that EIA only report unsatisfactory course progress and cancel student enrolment in</li> <li>- change requirement to implement the recommendation of the external appeal to: immediately.</li> </ul> </li> </ol> <p>Modify the chart according to the above</p> <ul style="list-style-type: none"> <li>- remove cost sharing arrangement and replace by minimal or zero cost</li> <li>- remove reference to AAT.</li> </ul>
2.1	Change company name to Edvantage Institute Australia (EIA); update responsibility; Addition of clause 5.15, students are given an opportunity to be accompanied and assisted by a support person at any meetings conducted under this Policy.