

Student Complaints and Appeals Policy

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2. Preamble

HEA values feedback from Students and aims to provide an effective and acceptable process for students to raise complaints with HEA.

All complaints and appeals by students will be handled confidentially, professionally and without bias or discrimination to achieve a satisfactory resolution as soon as practicable. HEA commits to resolving complaints in a transparent, fair and equitable manner.

This Policy complies with the *Higher Education Standards Framework (Threshold Standards) 2021*, the *Education Services for Overseas Students (ESOS) Act* and the *National Code of Practice for Providers of Education and Training to Overseas Students*. It also aligns with *TEQSA's Guidance Note: Grievance and Complaint Handling*.

3. Purpose

This policy establishes the principles relating to student grievances, complaints and appeals regarding administrative or academic matters at HEA.

4. Scope

This policy applies to prospective and current Students enrolled at HEA and to staff, who are the subject of a student complaint or are involved in the resolution or decision-making regarding a student complaint.

5. Definitions

Please refer to the Glossary of Terms.

6. Policy

HEA respects the rights of students to give feedback and raise complaints or grievances and recognises that there are many practical benefits of effective complaint handling. Addressing student complaints in a respectful, timely and responsible manner and at no cost to students, benefits everyone involved and contributes to HEA's continuous improvement.

6.1 Principles

In managing complaints and appeals, HEA is guided by the following principles and best practice guidelines:

- 6.1.1 HEA will have an accessible, well publicised and transparent complaint handling system.
- 6.1.2 There will be no financial cost for Students lodging complaints or appeals.
- 6.1.3 Complaints may be made by students in relation to operational or academic issues at HEA.
- 6.1.4 A complaint must be made within 6 months from the date the issue first arose.
- 6.1.5 Complaints should be lodged as soon as practicable after the issue arises. HEA will consider complaints lodged after graduation or cessation of enrolment where appropriate.
- 6.1.6 Each complaint will be managed in an objective, fair and unbiased manner and resolved promptly, sensitively and in confidence.
- 6.1.7 Complaints and appeals will be dealt with in accordance with the principles of natural justice.
- 6.1.8 The student making the complaint and all parties involved in the complaint process should be treated with respect and HEA must maintain the confidentiality of the Complainant to the extent possible.
- 6.1.9 Students will be able to have an advocacy or a support person during complaint handling and when an appeal is heard.
- 6.1.10 Students will not be subject to retaliation or discrimination as a result of lodging a complaint.
- 6.1.11 Students will be informed of where to locate this policy which outlines their rights to lodge a complaint and an appeal when relevant.
- 6.1.12 All formal complaints must be adequately recorded and communicated by the student to HEA and all processes and outcomes adequately documented.
- 6.1.13 The Complaints Panel should receive information on a de-identified basis and private, confidential information about any individual must be kept confidential.
- 6.1.14 Formal complaints will be actioned promptly within 10 business days of the lodgment or appeal.
- 6.1.15 Students will remain enrolled whilst an internal complaint or appeal is in progress and the outcome not determined unless exceptional circumstances apply in accordance with ESOS requirements.
- 6.1.16 All Staff will be trained in the Complaints and Appeal process.
- 6.1.17 Support services will be made available to staff handling complaints.
- 6.1.18 All steps of complaint handling should be adequately documented to ensure due process and HEA will comply with privacy laws and regulations.
- 6.1.19 Actions required which arise out of the resolution of a complaint must be initiated expeditiously. Completion of the appeals process is the final internal appeals process within HEA. Other avenues for appeal will need to occur outside of HEA.
- 6.1.20 All relevant parties must act in accordance with this policy and related procedure.
- 6.1.21 The Academic Board is responsible for ensuring complaints are sufficiently reported, monitored and appropriate corrective action is taken in response to complaints.
- 6.1.22 The Academic Board is responsible for ensuring the complaint handling process is reviewed for continuous improvement.
- 6.1.23 All resolutions will comply with relevant legislation and HEA's policies.
- 6.1.24 A breach of this policy may also be considered a breach of the relevant Code of Conduct and will be dealt with in accordance with the relevant procedure. Any action taken will be consistent with procedural fairness.

6.2 Delegation and Responsibility

The Board of Directors retains ultimate accountability for this Policy. Operational responsibility for managing student complaints and appeals is delegated to the Chief Executive Officer in accordance with the *Delegations Policy*, with academic oversight provided by the Academic Board.

This Policy must be read in conjunction with *Student Complaints and Appeals Procedure*.

7. Referred Legislation and References

Age Discrimination Act 2004 (2017) <https://www.legislation.gov.au/Details/C2017C00341>

Charter of Human rights and Responsibilities 2006 (Vic)
<https://www.legislation.vic.gov.au/in-force/acts/charter-human-rights-and-responsibilities-act-2006/014>

Complaint Handling at Universities – Australasian Best Practice Guidelines – Commonwealth Ombudsman 2016
https://www.ombudsman.gov.au/_data/assets/pdf_file/0019/37351/University-Complaints-Handling-Guidelines-April-2016.pdf

Disability Discrimination Act 1992 (2016)
<https://www.legislation.gov.au/Details/C2016C00763>

Education Services for Overseas students (ESOS Act) 2018
<https://www.legislation.gov.au/Details/C2018C00210>

Equal Opportunity Act 2010 (Vic) 2022
<https://www.legislation.vic.gov.au/in-force/acts/equal-opportunity-act-2010/020>

Freedom of Information Act 1982 (Vic) 2022
<https://www.legislation.vic.gov.au/in-force/acts/freedom-information-act-1982/108>

Higher Education Standards Framework (Threshold Standards)2021
<https://www.legislation.gov.au/Details/F2021L00488>

National Code of Practice for Providers of education and Training to Overseas Students 2018 <https://www.legislation.gov.au/Details/F2017L01182>

Occupational Health and Safety Act 2004 (Vic) <https://www.legislation.vic.gov.au/in-force/acts/occupational-health-and-safety-act-2004/034>

Ombudsman Act 1973 (Vic) 2022
<https://www.legislation.vic.gov.au/in-force/acts/ombudsman-act-1973/112>

Privacy Act 1973 (Vic) <https://www.legislation.gov.au/Details/C2014C00076>

Privacy and Data Protection Act 2014 (Vic)
<https://www.legislation.vic.gov.au/in-force/acts/privacy-and-data-protection-act-2014/026>

Protected Disclosures Act 2012 (Vic)
<https://www.legislation.vic.gov.au/in-force/acts/public-interest-disclosures-act-2012/025>

Public Records Act 1973 (Vic) 2014 <https://www.legislation.vic.gov.au/in-force/acts/public-records-act-1973/041>

Racial Discrimination Act 1975 (2015)

<https://www.legislation.gov.au/Details/C2016C00089>

Sex discrimination Act 1984 (2014)

<https://www.legislation.gov.au/Details/C2014C00002>

8. Relevant HEA Policies and Procedures

- Aboriginal and Torres Strait Islander Peoples Policy
- Academic Integrity Policy
- Academic Integrity Procedure
- Admissions Policy
- Admissions Procedure
- Assessment and Moderation Policy
- Assessment and Moderation Procedure
- Bullying, Discrimination and Harassment Prevention Policy
- Code of Conduct
- Conflict of Interest Policy
- Credit and Recognition of Prior Learning Policy
- Credit and Recognition of Prior Learning Procedure
- Enrolment Variation Policy
- Equity and Diversity Policy
- Health and Safety Policy
- Student Complaints and Appeals Procedure
- Student Fees and Refund Policy
- Student Fees and Refund Procedure
- Student Wellbeing and Support Policy
- Student Wellbeing and Support Procedure

9. Document and Version Details

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10. Policy Inquiries

For any inquiries about this policy, please email us. (studentsupport@heau.edu.au)