

Student Complaints and Appeals Procedure

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2. Preamble

This procedure details the processes and mechanisms for handling student complaints and appeals in an equitable, just and fair manner. The HES standards require a genuine attempt to resolve complaints through consistent and fair application of the policies and procedures.

HEA is committed to seeking and receiving feedback from students which allows them to express their concerns so that options for a resolution can be identified quickly.

This procedure complies with the *Higher Education Standards Framework (Threshold Standards) 2021* (HES), 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 procedure details the process for HEA students to air legitimate grievances for resolution with HEA relating to academic and administrative decisions. It aims to ensure relevant staff have a clear understanding of the processes to be taken to resolve complaints and that these processes are transparent to students.

This document details the steps that students must follow to lodge a complaint and appeal the outcome of a complaint, along with the processes that relevant Staff must follow to ensure that all student grievances or complaints are addressed in an equitable, transparent, and expeditious manner.

4. Scope

This procedure 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 decision-making process or resolution of a Student complaint.

5. Definitions

Please refer to the Glossary of Terms.

6. Procedure

6.1 Step 1 – Informal Complaints

- 6.1.1 In the first instance of a grievance being experienced, the student is encouraged to raise the matter informally with the relevant staff member or other party and make every reasonable effort to resolve the matter as soon as possible.
- 6.1.2 Informal complaints will be responded to promptly to avoid escalation.
- 6.1.3 Some informal complaints that may be resolved by speaking with the Dean, CEO or relevant nominee in accordance with HEA delegations may include:
- *Dissatisfaction with HEA's processes;*
 - *Classroom environment and disruptions;*
 - *Teaching methods and feedback timeframes;*
 - *Lack of adequate quantity of resources.*
- 6.1.4 If a resolution does not occur at this informal level or is not applicable or appropriate, the student may lodge a formal complaint.

6.2 Step 2 – Formal Complaints

- 6.2.1 A formal complaint is lodged in writing on the Student Formal Complaints Form and must be signed and dated with relevant evidence and documents attached, as instructed on the form. Students will be given an assurance that they will not face any form of discrimination or victimisation for filing a complaint.
- 6.2.2 The Student Formal Complaints Form is available on the HEA website.
- 6.2.3 The student must lodge the form and supporting attachments via email as directed on the form.
- 6.2.4 The HEA recipient will ensure that all details of the complaint and complainant are entered into the Complaints and Appeals Register.
- 6.2.5 An HEA representative will respond to the student in writing confirming that the complaint has been received.
- 6.2.6 The HEA recipient will forward the complaint to the CEO or nominee in relation to operational issues or the Dean or nominee in relation to academic issues.
- 6.2.7 The CEO, Dean, or nominee will email the student an acknowledgment of the complaint within five working days of receiving it.
- 6.2.8 The CEO, Dean or nominee assessing the complaint will forward relevant details of the complaint to the respondent staff member for response. The student will be given the opportunity to present their complaint at a formal meeting if deemed necessary. They will have the opportunity to bring a support person or advocate.
- 6.2.9 A formal investigation of the complaint will be undertaken by the CEO, Dean or nominee and an additionally assigned staff member.
- 6.2.10 Those undertaking the formal investigation will:
- *Ensure confidentiality of the complainant, details of the complaint and respondent (if relevant);*
 - *Maintain procedural fairness and act in a timely fashion;*
 - *Ensure the welfare of the student;*
 - *Provide the respondent with a summary and give them the opportunity to respond to the alleged complaint;*
 - *Prepare a written report detailing the nature of the complaint and result of an investigation; and*

- *Communicate the result to the complainant, explaining what further steps can be taken if the complainant disagrees with the decision.*

6.2.11 The proposed resolution must be given to the complainant student in writing within 5 business days of the proposed resolution.

6.2.12 The result and proposed resolution must be entered into the Complaints Register.

6.2.13 If the complainant is not satisfied with the proposed resolution, they must lodge an Internal Appeal within 10 business days of receiving the response.

6.3 Step 3 – Internal Appeal of a Formal Decision

6.3.1 A student who is dissatisfied with a decision arising from a formal complaint may lodge an appeal on the Student Appeals Form and submit the appeal and relevant attachments in accordance with the instructions on the form.

6.3.2 The Appeal must detail the grounds for appeal and, where appropriate, attach further evidence relating to the grounds for the appeal in order for the Appeal Panel to examine.

6.3.3 Reasons may include the following but are not exhaustive:

- *new information is available;*
- *a decision is manifestly wrong; or*
- *there is evidence of prejudice or bias in the decision relating to the complaint.*

6.3.4 The student's current enrolment status will be maintained during the appeal process.

6.3.5 The process of handling a formally lodged appeal will begin within 10 business days after the appeal is lodged.

6.3.6 The complainant will be notified in writing of the outcome with reasons for the decision and the Complaints and Appeals Register must be updated.

6.3.7 If the complainant is not satisfied with the decision, they may wish to proceed with an external appeals process.

6.4 Step 4 – External Review and Appeal

- 6.4.1 If not satisfied with the internal appeal process, the complainant may request the matter be further reviewed by an external dispute resolution process.
- 6.4.2 Where there are fees to lodge with an external dispute resolution body, it is at the student's own expense.
- 6.4.3 Students may make an application for review with the relevant State or Territory Ombudsman or the Overseas Students Ombudsman (for international students)
- 6.4.4 Complainants who are international students can access an external appeals process through the Overseas Students Ombudsman (OSO) at no cost. Further information is available at <http://www.ombudsman.gov.au/about/overseas-students>
- 6.4.5 Students may also utilise The Dispute Settlement Centre of Victoria (DSCV) located at 4/456 Lonsdale Street Melbourne 3000. Their toll-free number is 1300 372 888. Their email is: dscv@justice.vic.gov.au and their website is <https://www.disputes.vic.gov.au/>
- 6.4.6 The student may also wish to contact the Ombudsman Victoria at Level 9, 459 Collins Street, Melbourne. The phone number is 03 9613 6222 or 1800 8806 314 and website is: <http://www.ombudsman.vic.gov.au>
- 6.4.7 The decision of the Ombudsman Victoria's independent mediator is final and any further action the student wishes to take is outside the scope of HEA's policies and procedures

6.5 Other Complaints

Complaints relating to sexual harassment, bullying or intimidation will be dealt with under the *Bullying, Discrimination and Harassment Prevention Policy and Procedure*.

Academic Misconduct complaints will be dealt with in the *Academic Integrity Policy*.

6.6 Privacy, Recording and Reporting

- 6.6.1 The CEO or their relevant nominee are responsible for ensuring that all records relating to complaints and appeals are kept securely at HEA and maintained in accordance with the Privacy and Data Protection Act (2014) (Vic).
- 6.6.2 The CEO must regularly report to the Board of Directors regarding complaints that have been made and the processes followed and any improvements that have been made to ensure more efficient handling of complaints.
- 6.6.3 HEA will undertake regular monitoring, review and analysis of complaints data to identify ways in which processes can be improved and revisions to policies and procedures can be made to improve HEA's quality assurance processes.

7. Referred Legislation and References

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>

Education Services for Overseas Students Act 2000 (2022) ESOS Act

<https://www.legislation.gov.au/Series/C2004A00757>

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 Policy
- 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

Approval Authority	Board of Directors
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10. Procedure Inquiries

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