

Student Academic Grievances and Appeals Policy and Procedure

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1. Purpose

The Higher Education Leadership Institute (“the College”) is committed to developing and maintaining an effective, timely, fair and equitable student academic grievance and appeal system which is easily accessible by students.

Through this document, the College aims to:

- develop a culture that views grievances and appeals as an opportunity to improve the organisation and how it works;
- set in place a grievance and appeals handling system that is student focussed and helps the College to prevent grievances from recurring;
- conduct the assessment of grievances and appeals in a professional, fair and transparent manner;
- resolve grievances and appeals promptly, objectively, with sensitivity and respecting confidentiality;
- ensure that the views of the complainant and other parties are respected and that parties to a grievance and appeal are not discriminated against nor victimised; and
- ensure that there is a consistent response to grievances and appeals.

2. Scope

This policy applies to all students who have a grievance in relation to any academic aspect of the College’s services and activities, including decisions and determinations, regardless of the campus at which the grievance has arisen, their place of residence or mode of study. For the purposes of this document, “student” includes prospective students, current and continuing students, and former students (as defined) unless specified otherwise.

This policy applies to all staff.

The College will respond to grievances and appeals that a student may have regarding their dealings with the College in relation to academic matters. This includes dealings with:

- Education Agents (for overseas students, and as required by the National Code); and
- third parties where there is an arrangement that the third party delivers its courses or any related services (all students).

Academic matters relate to student academic progress, assessment, curriculum, the quality of course delivery, academic achievement in a course and awards in a course. These may include but are not limited to:

- assessment matters;
- final grades;
- requests for reduced or overload study;
- special consideration decisions;
- timetabling;
- findings in relation to academic misconduct (for example, plagiarism or cheating);
- academic progression;
- discrimination in marking assessments;
- deferral, suspension or cancellation of enrolment due to academic concerns;
- credit transfer or recognition of prior learning applications;
- quality of course delivery, content or structure of academic programs or nature of teaching;

- supervision of work integrated learning; and
- negative admissions decisions based on academic concerns.

Students should refer to the ***Student Non-Academic Grievances and Appeals Policy and Procedure*** for the process to raise concerns, and lodge grievances or appeals in relation to non-academic matters. The Policy and Procedure set out in this document does not remove the student’s right to take further action under Australia’s Consumer Protection Laws, nor circumscribe the student’s right to pursue other legal remedies.

3. Definitions

Item	Definition
<i>Appeal</i>	An application to reconsider a decision or determination made by the College. Academic Appeals are related to a student’s academic performance, including award of grades, course progress and compliance with the College’s policies and procedures and course requirements.
<i>Appeals Committee</i>	The committee charged with considering appeals in relation to academic matters and is an ad hoc committee of the Academic Board convened to hear evidence and make determination in case of Stage 3 internal appeal. This committee is convened by the Chair of the Academic Board.
<i>Complainant</i>	Is the current, prospective, or former student who lodges a formal grievance or appeal pursuant to this document.
<i>Education Agent (Agent)</i>	A person or organisation (in or outside Australia) who recruits overseas students and refers them to education providers. In doing so, the education agent may provide education counselling to overseas students as well as marketing and promotion services to education providers. Education agent does not refer to an education institution with whom an Australian provider has an agreement for the provision of education (that is teaching activities).
<i>Formal grievance or appeal</i>	A formal grievance or appeal is usually of the type that cannot be resolved through informal discussion or through seeking clarification and is submitted through the online grievance or appeals form accompanied by any relevant documents as evidence. (Stage 2 and Stage 3 matters)
<i>Former student</i>	A person who has ceased enrolment with the College no more than 3 months from their date of their last enrolment.
<i>Frivolous complaint or appeal</i>	A complaint or appeal that is lacking in any substance or merit. Frivolous complaints do not imply an improper motive on behalf of the claimant, but concern matters that a reasonable person in the circumstances would not raise a formal complaint about (for example, a single instance of noise in a library quiet area).

<i>Grievance</i>	A complaint or concern or expression of dissatisfaction with some aspect of the College, a decision in relation to a student or the student’s experience at the College. For the purpose of this document, a grievance applies to academic matters. Refer also to the explanation provided under the Scope section of this document.
<i>Informal grievance</i>	An informal grievance is a matter raised directly with the responsible person in an effort to resolve the matter directly (Stage 1).
<i>Overseas student</i>	An overseas student who is studying in Australia on a student visa.
<i>Prospective students</i>	Persons who have demonstrated an intention to enrol as a student in the College, including submitting an application, but who have not yet been admitted to the College.
<i>Vexatious complaint or appeal</i>	A complaint or appeal: without merit; or where the substance of the complaint and related matter has already been considered by the College; or based on or containing dishonest or intentionally misleading information; and/or pursued with undue persistence. It may include allegations of actions or behaviour that did not occur.

4. Principles

The College respects and supports all students’ rights to provide feedback, seek to resolve grievances or appeals, and to pursue a formal grievance or appeal without fear of victimisation or reprisal. Assessment of informal and formal grievances and appeals will be conducted in a professional, fair and transparent manner.

The following principles underpin all stages of the College grievance and appeals processes (“the grievance process”).

4.1. Availability and Accessibility

The grievance or appeals process set out in this document is available to all students, with information available on the College website and through other communications.

There is no charge to the student to access the internal grievance or appeals process **(Stages 1 -3)**.

Students may be required to pay a fee when making an external appeal after the internal grievance process is exhausted **(Stage 4)**. Costs for an external appeal will be shared equally by the College and the complainant with the complainant required to contribute no more than \$100 towards the process. This cost will be refunded to the student if the external appeal is successful.

Overseas students who choose to take their grievance to the Australian Government’s Commonwealth Ombudsman service incur no charge.

4.2. Timeliness

The College seeks to deal with grievances and appeals as quickly as possible and normally within the timeframes stated within this document. The complainant and (where applicable) other parties to the matter, will be kept informed when a longer timeframe is needed; for example, to properly investigate a complex grievance or where more time may assist in satisfactorily resolving the grievance.

4.3. Confidentiality

Grievances and appeals will be treated with confidentiality. Unless otherwise required by law (such as reporting certain matters affecting student's visa status) access to information is limited to the parties involved and other staff members on a 'need to know' basis.

4.4. Without prejudice or disadvantage

Grievances and appeals will be considered fairly, without prejudice and solely on their merits and the evidence provided. Where the proposed decision-maker nominated by this document has a conflict of interest, or perceived conflict of interest, another appropriately qualified person or committee will be appointed to undertake the role.

Where the internal or external grievance handling or appeal process results in a decision that supports the complainant, the College will **immediately implement any decision and/or corrective and preventative action** required and advise the complainant of the outcome.

Students will not be disadvantaged while the grievance or appeal is in progress. Accordingly:

- The enrolment of overseas students studying in Australia on a student visa will be maintained throughout the student's participation in the College's internal grievance process (**Stages 1 – 3**). During this process, the College will not initiate a deferral, suspension, or cancellation of enrolment unless extenuating circumstances relating to the welfare of the student, or the wellbeing of others, apply. (National Code Standard 9).
- The 'no disadvantage' rule does not apply to the decision reached by the College under this Policy.

In accordance with the National Code Standard 8, the College will only report a student for unsatisfactory progress or attendance after:

- stages 1 – 4 have been completed and the breach is upheld;
- the overseas student has chosen not to access the internal grievance process within **twenty (20)** working days;
- the student has chosen not to access the external complaints and appeals process; or
- the overseas student has withdrawn from the internal or external process by notifying the College in writing.

During all stages of the process, the College will not tolerate victimisation in any form. This includes victimisation of :

- a student lodging, or responding to, a grievance or appeal; or
- any person providing information in relation to the matter or who is otherwise involved in the process.
- The College will take disciplinary action against any student or staff who victimises a person as outlined above.

4.5. Good faith

The grievances and appeals process are premised on all parties acting in genuine good faith, with an open approach to considering reasonable options in seeking to resolve the matter.

The College reserves the right to take appropriate disciplinary action against **vexatious grievances**. The College may also decline to consider a frivolous complaint or grievance at any stage of the process.

Note: A vexatious grievance can include a matter where the substance of the matter has already been considered by the College or is being pursued with undue persistence.

4.6. Advocacy and support for students

Students may, at any time during the grievance or appeals process, use or be accompanied by a nominated support person to support their effective participation in the process or to seek independent professional advice. This can include support services arranged by the College.

A student may nominate their own support person, other than a practicing legal practitioner.

5. Policy Statement

Students may raise a grievance or appeal in relation to their studies or experiences with the College, including (but not limited to) in relation to decisions or determinations of an academic matter.

The College aims to foster an environment where students feel empowered to raise grievances or seek to appeal a decision or determination and have such grievances addressed by the College in a respectful, responsible, and timely manner.

Grievances and appeals, along with any evidence (written and verbal), are considered directly and confidentially by the appropriate staff member or committee as identified under the procedures section of this policy.

Throughout the grievance and appeals process:

- The complainant, and other affected parties, will have the opportunity to formally present their case or respond to any allegations made against them.
- Each party may be accompanied and assisted by a support person at any relevant meetings (either physically or virtually) and in preparing their case.
- The decision-maker will provide the complainant and other affected parties (as appropriate) with the reasons for their decision, in writing.
- The staff member/committee involved in handling a grievance or appeal will keep the complainant, and other relevant parties, informed of the timeframe and associated processes.

Where the internal or external grievance or appeal process results in a decision that supports the complainant, the College will implement any decision and/or corrective and preventative action required and advise the complainant of the outcome.

6. Procedure

6.1. Time limitations

Grievances or appeal will only be considered under this policy:

- at any time during the student's enrolment with the College;
- within three months of the student ceasing enrolment (whether through withdrawal, exclusion or graduation); or
- for prospective students, three months from the date of the decision or determination relating to the grievance or appeal.

Note: Depending on the nature of the grievance or appeal, it is preferable for students to raise a concern as soon as practicable after the actions or incidents that give rise to their concern.

Note also the specified timeframes set out in this document and other policies.

6.2. Stage 1: Seeking informal internal resolution for assessment re-mark

- a) A request to re-mark an assessment should be made in writing to the Course Coordinator no later than ten working days after the release of the marked assessment.
- b) The request must include clearly stated grounds for the request on the basis of:
 - A breach of the *Assessment and Moderation Policy or Assessment and Moderation Procedure* sufficient to cause disadvantage to the student; or
 - Failure to adhere to the approved assessment process, and/or marking criteria as contained in the Unit Study Guide or Assessment Brief.
- c) The Course Coordinator should review the assessment and advise the student in writing of their decision to allow or disallow the re-marking.
- d) Students should be made aware that a re-mark could result in a lower final mark.
- e) If the Course Coordinator allows the re-marking, they also determine the final mark to be awarded. Marking should be completed no later than ten working days after the student has been notified.
- f) If the Course Coordinator disallows the re-marking, the student may formally appeal the decision in accordance with Section 5.4 of this Policy and Procedure **(Stage 2)**.

6.3. Stage 1: Seeking informal internal resolution for academic matters other than an assessment re-mark

The College encourages students, where appropriate and possible, to seek to resolve their concern informally with the person(s) concerned (for example, the Unit Coordinator or Course Coordinator).

This includes seeking to address minor issues that can be resolved through discussion or by seeking clarification.

The student should try to clarify what the problem is, provide any evidence to support their claims (where applicable) and what might be a satisfactory outcome.

The staff member / Unit Coordinator will:

- seek to resolve the concern as soon as reasonably practicable;
- explain the reasons for the decision giving rise to the concern;
- advise the student that they may lodge a formal written grievance or appeal (Stage 2); and/or
- explain whether there are other courses of action that should be taken. This may include referring the matter to the Course coordinator for consideration

Where an informal resolution has involved the relevant staff member communicating their decision in writing to the student, this will be considered a decision of the College which may be reviewed in accordance with this Policy and Procedure (**Stage 2**).

6.4. Stage 2: Lodging a Formal Grievance or Internal Appeal

A student may lodge a formal grievance or appeal a decision by making a written submission to the Dean (Academic) or delegate via a [Grievance](#) or [Appeals](#) form.

Where a student lodges a formal grievance or internal appeal of an earlier decision, the written submission must be lodged online within **ten (10) working days** of the decision the subject of the grievance being notified to the student or the matter that gave rise to the formal grievance.

Where the College has initiated a deferral, suspension or cancellation of a student's enrolment, the student has **twenty (20) working days** to submit the internal appeal.

The College will:

- acknowledge receipt of the formal grievance/internal appeal in writing within **five (5) working days** of the submission being lodged; and
- commence the process of assessing the submission within **ten (10) working days** of it being lodged; and
- take all reasonable measures to finalise the outcome as soon as practicable.

The Dean (Academic) is the nominated officer for dealing with formal grievances / internal appeal in relation to academic matters (Stage 2). In so doing, the Dean (Academic) may:

- undertake the investigation;
- designate any appropriately qualified staff member, who has not had prior involvement in the case, to assist with, or undertake, the investigation and its findings as the Dean's delegate;
- form a working party to investigate and report on the matter;
- consult with relevant academic and administrative staff as well as students of the College on matters pertaining to the case; and/or
- request the complainant to meet with them (or their nominee) in person or remotely to discuss their submission, including the outcome/s they hope to achieve and whether a satisfactory resolution can be reached.

The Dean (Academic) (or delegate) will seek to resolve the formal grievance or internal appeal. They will keep the complainant informed of the process, including the anticipated timeframe for dealing with the matter (if more than ten working days).

After considering the formal grievance or internal appeal, the Dean (Academic) or the delegate will provide a written report to the complainant setting out:

- the steps taken to address the formal grievance, including the reasons for the decision; and
- advise the complainant of their right to access a further review if they are not satisfied with the outcome of their formal grievance / appeal.

Where the complainant has been fully or partially successful in the Stage 2 matter, the Dean (Academic) is responsible for implementing the recommendations made as a result of the matter.

Where the decision relates to a decision to cancel a student's enrolment, the College, in line with the National Code requirements, will defer proceeding with the decision until such time as the overseas

student has completed the Stage 3 process OR has not proceeded with lodging a Stage 3 application within the stated timeframe.

6.5. Stage 3: Final Internal Appeal

If a complainant is dissatisfied with the outcome of their Stage 2 formal grievance or appeal, they may escalate the appeal to the Appeals Committee (Stage 3 Final Internal Appeal) and must do so within **ten (10) working days** of receiving notification of the outcome of their formal grievance.

The appeal to the Appeals Committee must contain evidence that the matter has not been dealt with properly (for example, the matter has not been dealt with in line with policy resulting in disadvantage to the complainant), or state the reason/s why the matter should be subject to a final internal appeal process (for example, new information or evidence has emerged that was not available to earlier decision-makers).

If the Appeals Committee is **not satisfied** that the request is eligible as a Stage 3 matter (final internal appeal), the Chair of the Appeals Committee will, within **ten (10) working days**, provide the complainant with written reasons for this decision.

If the Appeals Committee is **satisfied** that the request is eligible as a Stage 3 matter (final internal appeal), the Committee will, within **ten (10) working days**, and depending on the subject matter for the final internal appeal, commence undertaking the review as the decision-maker.

The Appeals Committee will seek to assess the Stage 3 matter within **twenty (20) working days**, and will keep the complainant, and other relevant parties, informed about the likely timeframe of the process.

The Appeals Committee may undertake the assessment in the manner it sees fit, with due regard to procedural fairness for the complainant and the respondent, timeliness of process, and participants' safety and wellbeing.

In undertaking the final internal appeal and considering the documentation presented to it, the Appeals Committee may (but is not required to):

- seek further information in writing from the complainant, other students, and College staff;
- interview the complainant;
- interview any other person relevant to the matter;
- seek access to further information, including relevant documentation, held by the College;
- hold a formal hearing to allow parties to provide oral evidence to the Appeals Committee.

Following consideration of the final internal appeal, the Chair of the Committee will provide the complainant with a written statement of how their appeal was conducted and the outcome, including details of the reasons for the final decision. Other affected parties may also be provided with appropriate information about the outcome.

The statement of the outcome to the complainant will include information of any rights to access an external appeals process if they are not satisfied with the outcome of their final internal appeal.

Where the complainant is successful in their formal grievance/internal appeal, the Dean (Academic) is responsible for promptly implementing the recommendations made in the matter.

6.6. Stage 4: External Grievances and Appeals Processes

If the complainant's grievance remains unresolved following the internal appeal mechanisms, the complainant may pursue an external grievance or appeal process.

As required by the National Code, the College will immediately implement the decision or recommendation and/or take preventative or corrective action required by the outcomes of an external grievance or appeals process made in favour of student.

Students may seek an external review of the grievance or external independent resolution through the College's independent review mechanism for those matters unable to be addressed by the Overseas Student Ombudsman or other agency (including the Tertiary Education Quality and Standards Agency (TEQSA)). These should be lodged no later than 10 working days of notification of the Stage 3 outcome.

The Resolution Institute will appoint an expert to consider and make recommendations in relation to the external appeal in accordance with the policies and procedures of the College. The appointed expert will use their best endeavours to make recommendations to resolve the complaint within 20 working days of appointment. The complainant and College will take such steps as may reasonably be required by the Resolution Institute or the appointed expert to allow recommendations to be made to resolve the complaint. The Resolution Institute's expert may, in resolving the complaint, make recommendations including but not limited to:

- that the decision under appeal be upheld, overturned or amended;
- that either the complainant or College take corrective or further actions

The Resolution Institute or the appointed expert will advise the complainant and the College in writing of the outcome of the external appeal. For further information on the Resolution Institute, complainants may wish to contact the Resolution Institute using the following contact details. Where the Resolution Institute makes a decision or recommendation in favour of the complainant, College will immediately implement that decision or recommendation and/or take preventative or corrective action required by that decision or recommendation and will advise the complainant of actions taken in response to such a decision or recommendation of the Resolution Institute. The external appeal process referred to above will be provided free of charge to complainants. Any costs associated with

Resolution Institute

Complainants can contact the Resolution Institute directly or through the Registrar, Director Student Services (or delegate's) Office.

Address: Levels 1 and 2, 13 – 15 Bridge Street, Sydney NSW 2000

Email: infoaus@resolution.institute

Phone: +61 2 9251 3366 or 1800 651 650

Website: <https://resolution.institute/web/default.aspx>

the external appeal will be covered by the College.

A complainant must submit their request for an external appeal of their complaint within 10 working days of receiving notice of the outcome of the final internal stage of complaints and appeals process (stage 3) to Independent Higher Education Australia (IHEA) using the following contact details. IHEA is

a peak representative body for Australian independent higher education providers, of which the College is a member. IHEA will be responsible for facilitating complainants' requests for external appeal of complaints only (as agent for the College) and will not make any decisions on the external appeal. Where a request for an external appeal is submitted to IHEA more than 10 working days after the complainant receives notice of the outcome of the Stage 3/ final internal stage of complaints and appeals process, that request will not be automatically granted. In such cases, IHEA will first refer the request to the College to make a decision on whether to grant the complainant's request for an external appeal. Where a request for an external appeal is submitted to IHEA, IHEA will refer the request for external appeal of the complaint to the Resolution Institute, an independent dispute resolution organisation.

Independent Higher Education Australia (IHEA)

Complainants can contact the IHEA directly or through the Registrar, Director Student Services (or delegate's) Office. **Attention: CEO, IHEA**

Address: Suite 310, Level 3, 198 Harbour Esplanade, Docklands, VIC, 3008

Phone: (03) 9642 5212

Email: info@ihea.edu.au

Students may request a free and independent external review service through the Commonwealth Ombudsman in their capacity as Overseas Students Ombudsman. In most cases, the purpose of this process is to consider whether the College has followed its policies and procedures, rather than make a decision in place of that of the College. The Overseas Students Ombudsman may not be able to cover all areas that may be at issue in the grievance or appeal. For example, where a student appeals their assessment results and proceeds through the College's internal grievance and appeals process, the external appeals process may look at the way in which the College conducted its grievance and appeals process but would not make a determination as to what the assessment result should be.

Commonwealth Ombudsman

For more information about the types of issues the Ombudsman can look into and how to make a complaint, refer to <https://www.ombudsman.gov.au> . Go to Complaints then Student Complaints.

The College will act immediately upon any recommendation(s) arising from external review. The Dean(Academic) will be responsible for ensuring that any recommendation(s) received are fully implemented.

6.7. Withdraw of Complaint/ Grievance/ Appeal

The student can withdraw the complaint/grievance/appeal at any time by notifying registrar@heli.edu.au . The student should be aware that the College may need to proceed in certain circumstances even if the complaint has been withdrawn.

7. Record-Keeping and Access to Records

Records of formal grievances and appeals, their outcomes, and the reasons for the decision, will be kept strictly confidential and stored by the Registrar's Office for a minimum of five years. A written record will also be retained on the student's file.

The complainant and/or respondent has the right to seek supervised access to all documents held by the College concerning his or her grievance or appeal upon written request, subject to confidentiality and privacy requirements.

The Registrar's Office shall maintain a Register of Grievances and Appeals that records the unique application ID number of the case.

The College will:

- use aggregated and de-identified data to support regular monitoring, reporting and continuous improvement of its operations; and
- provide annual reports to the College Board of Directors and Academic Board of the number and nature of formal grievances and appeals, the outcomes and actions taken to address individual matters and analysis of any systemic issues (including recommended changes to policies and practices).

8. Responsibilities

In addition to the responsibilities set out above, all staff have responsibilities pursuant to this Policy to ensure it is implemented effectively. These includes:

- promptly responding to matters of concern they become aware of (such as dealing directly with the matter themselves or notifying an appropriate College staff member);
- keeping relevant records confidential; and
- participating as required in grievance and appeal processes in a professional and respectful manner.

All students have responsibilities pursuant to this Policy to participate as required in grievance and appeal processes in a professional and respectful manner.

Breaches of this policy by either students or staff may be subject to disciplinary action.

9. Related Documents

- Student Code of Conduct
- Student Non-Academic Grievances and Appeals Policy and Procedure
- Academic Integrity Policy and Procedure
- Assessment and Moderation Policy
- Assessment and Moderation Procedure
- Records Management and Security Procedures
- Privacy Policy
- Governance Charter
- Student Progression Policy

10. Relevant Legislation

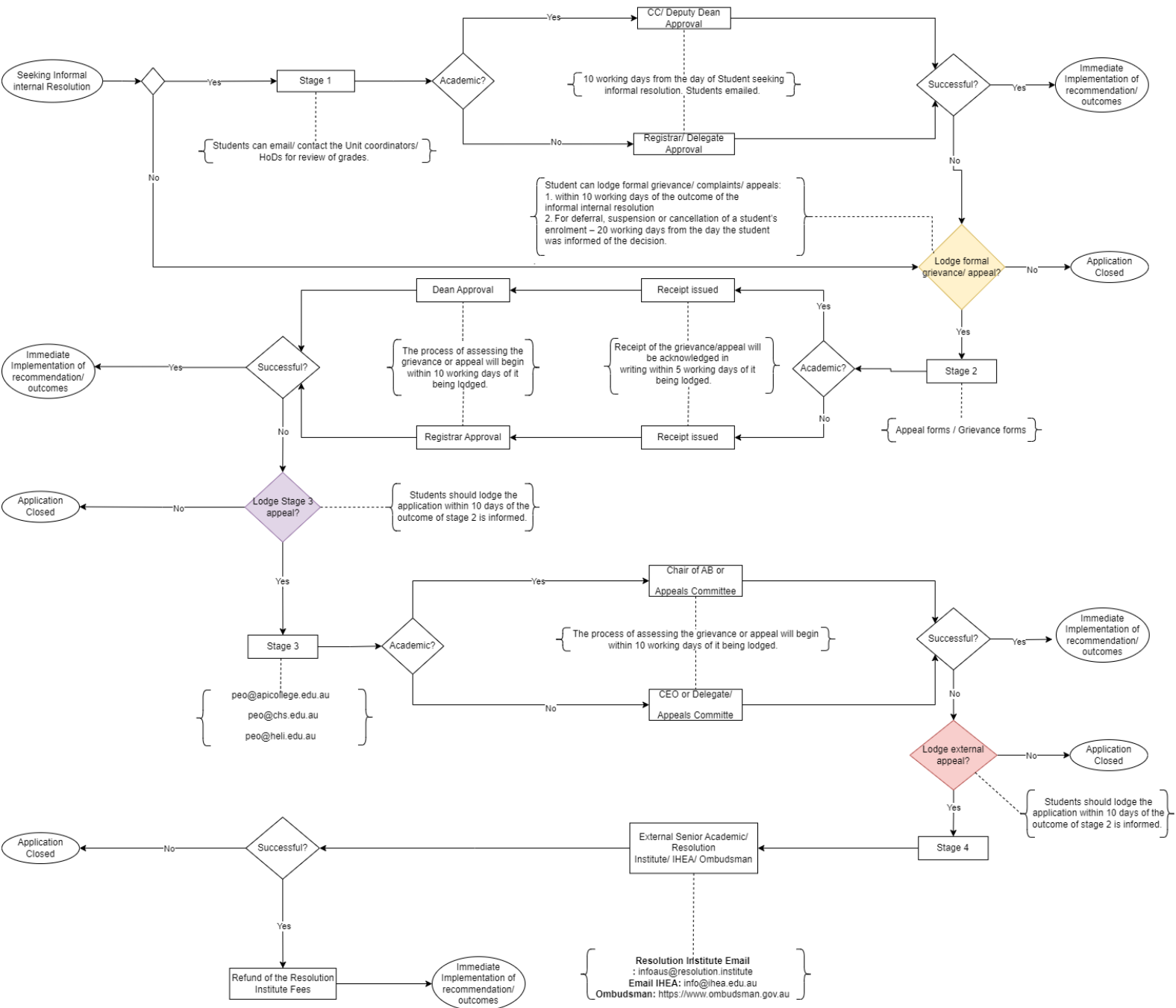
- Tertiary Education Quality and Standards (TEQSA) Act 2011 (Cth)
- Higher Education Standards Framework (Threshold Standards) 2021
- Education Services for Overseas Students Act 2000 (Cth)
- The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (the National Code)
- Higher Education Support Act 2003 (Cth)

Document ID	Student Academic Grievances and Appeals (Academic Matters) Policy and Procedure
Category	Academic
Document Owner	Dean (Academic)
Approved By	Board of Directors and endorsed by Academic Board

Version	Approved by	Approval Date	Details
1.0	Board of Directors	21 January 2016	Document creation and initial approval
2.0	Board of Directors	28 February 2018	Minor updates as a result of scheduled review
3.0	Board of Directors	5 June 2019	Changes to accommodate international students
3.1	Board of Directors	4 March 2020	Minor update to policy coverage as specified in National Code 2018 Change to student contribution for an external appeal
3.2	CEO	4 November 2020	Update position title and email address
3.3	CEO	25 March 2021	Minor changes to align to National Code 2018
3.4	CEO	7 July 2023	CEO reviewed the policy and extended review date to 7 July 2024.
4.0	Board of Directors Academic Board	25 October 2024 29 November 2024	Stage 1 to 4 of the grievance/ appeals have been elaborated with the responses and timeframes. External review/ appeal process and contact details have been updated. A flow chart has been included for the clarity of the process. Policy has been divided into Academic and Non-academic grievances policy and procedure. A single policy for grievance has now been separated into Academic and Non-academic.

Appendix: Grievance and Appeal Procedure Flowchart

The Academic Grievance Procedure Flowchart should be read in conjunction with the Student Academic Grievances Policy.



Student can withdraw grievance/appeal application at any stage if they intend to do so. For withdrawal of grievance/appeal application, student should send an email to:

APIC Students: registrar@apiccollege.edu.au
 CHS Students: registrar@chs.edu.au
 HELI Students: registrar@heli.edu.au