

Student Non-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 non-academic grievance and appeal system which is easily accessible by students.

Through this document, the College aims to:

- develop a culture that views grievances as an opportunity to improve the organisation and how it works;
- set in place a grievance handling system that is student and staff 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 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 domestic and overseas students who have a grievance in relation to any administrative or non-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/ continuing students and former students (as defined) unless specified otherwise.

This policy also applies to all student and staff.

The College will respond to grievances or appeals that a student may have regarding their dealings with the College in relation to non-academic matters. This extends to 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).

Non-academic matters means those matters that do not relate to academic matters. They may include but are not limited to:

- requests for deferral, withdrawal or leave of absence;
- student fee issues such as non-payment or refunds;
- exclusion or suspension;
- non-academic student misconduct;
- provider transfer requests;
- harassment, vilification, discrimination or indirect discrimination based on a person’s protected attributes (such as sex, age, race gender, disability);
- dealings with the Institution’s Representatives (agents), welfare providers or other related parties;
- fees refund;
- breach of personal information;
- unfair treatment or experience of bullying or other abuse;

- concerns about campus facilities and equipment, environment, health and safety, provision of student support services and amenities; and
- negative admissions decisions based on biased or unfounded non-academic concerns
- any other grievance about the College.

Students should refer to the **Student Academic Grievances and Appeals Policy and Procedure** for the process to raise concerns, and lodge grievances and appeals in relation to 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. Students seeking to make a complaint about allegations of sexual harassment or sexual assault please refer to the information on the website under Current Students for options available for support and reporting including contacting dedicated staff. The information is at the following [link](#).

3. Definitions

Item	Definition
<i>Appeal</i>	An application to reconsider a decision or determination made by the College. Non-Academic Appeals are related to matters listed in Section 2 Scope.
<i>Appeals Committee</i>	The committee convened by the CEO, with specific terms of reference, to consider specified appeals in relation to non-academic matters.
<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

<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 non-academic matters. Refer also to the explanation provided under the Scope section of this document.
<i>Informal grievance/ review</i>	An informal grievance/ review is a matter raised directly with the responsible person in an effort to resolve the matter directly (Stage 1).
<i>Overseas student</i>	A 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 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) decisions or determinations of a non-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 for dealing with non-academic matters

4.1. Time limitations

Grievances or appeals 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, 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.

4.2. Stage 1: Seeking informal internal resolution

The College encourages students, where appropriate and possible, to seek to resolve their concern informally with the person(s) concerned (for example, a staff member) or by emailing the Registrar, Director Student Services

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

Where the student is seeking to over-turn a decision that has already been made or is dissatisfied with the outcome of the resolution, the student should submit the Appeals or Grievance form.

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 should:

- seek to resolve the concern as soon as reasonably practicable;
- explain the reasons for the decision giving rise to the concern;
- advising the student that they may lodge a formal written grievance or appeal (Stage 2).
- explain whether there are other courses of action that should be taken. This may include referring the matter to the Registrar, Director Student Services (or delegate) for consideration. Where an informal resolution has involved the Registrar, Director Student Services (or delegate) communicating their decision in writing to the student

4.3. 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 **Registrar**, Director Student Services (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 Registrar, Director Student Services (or delegate) is the nominated officer for dealing with formal grievances / internal appeals in relation to non-academic matters (Stage 2). In doing so, the Registrar, Director Student Services (or delegate) 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;
- 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 Registrar, Director Student Services (or delegate) will seek to fully 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 the timelines extend beyond the ten working days).

After considering the formal grievance or internal appeal, the Registrar, Director Student Services (or 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 successful in the Stage 2 matter, the Registrar, Director Student Services (or delegate) is responsible for implementing the recommendations made as a result of the matter.

Where the decision relates to a decision to cancel an overseas 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.

4.4. Stage 3: Final Internal Appeal

If a complainant is dissatisfied with the outcome of their formal grievance or appeal, they may lodge an appeal with the Chief Executive Officer (CEO) within **ten (10) working days** of receiving notification of the outcome of their formal grievance or appeal.

The grievance or appeal to the CEO should 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 a 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 the earlier decision-makers), or else the College has a right to close the escalated grievance or appeal

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

If the CEO is **satisfied** that the request is eligible as a Stage 3 matter (final internal appeal), the **CEO or the delegate** will, within **ten (10) working days**, and depending on the subject matter for the final internal appeal, do one of the following:

- commence undertaking the review themselves as the decision-maker; or
- refer the matter to the **College's Appeals Committee** to act as decision-maker.

The CEO or Appeals Committee (as decision-maker) 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.

In undertaking the final internal appeal and considering the documentation presented to them, the decision-maker may (but is not required to):

- interview the complainant
- interview any other person relevant to the inquiry
- seek access to further information held by the College

Following consideration of the final internal appeal, the CEO or Appeals Committee will provide the complainant with a written statement of 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 CEO is responsible for implementing the recommendations made in the matter.

4.5. Stage 4: External Grievances and Appeals Processes

If the complainant's grievance or appeal remains unresolved following the internal procedure and 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 an overseas 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 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 Commonwealth Ombudsman may not be able to cover all areas that may be at issue in the grievance or appeal. The Ombudsman will allow all higher education students to escalate complaints about the actions of their higher education provider, including complaints about sexual assault and sexual harassment and gender-based violence (Refer ***Sexual Harassment and Sexual Assault Prevention Policy and Procedure***)

The role of the Ombudsman will include:

- considering whether decisions and actions taken by providers are unreasonable, unjust, oppressive, discriminatory or otherwise wrong
- responding to a complaint while a provider is still considering the issue if there are unreasonable delays, or the provider is acting unreasonably
- recommending a provider takes specific steps to resolve the complaint
- sharing information with relevant regulators for further compliance action if needed, and
- offering a restorative engagement process between the student and the provider.

The Ombudsman will have strong investigative powers including requiring a person or university to provide information.

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 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 the external appeal will be covered by the College.

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>

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

Other agencies

Depending on the nature of the grievance, a student may also seek to pursue other external review mechanisms, such as

- Anti-Discrimination New South Wales
- NSW Fair Trading
- Equal Opportunity and Human Rights Commission (Victoria)
- Consumer Affairs Victoria
- Queensland Human Rights Commission
- Office of Fair Training (Queensland)
- Australian Competition and Consumer Commission
- Tertiary Education Quality and Standards Agency (TEQSA)

4.6. 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, Director Student Services Office for a minimum as in **Records Management and Security Procedures**.

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 Academic Grievances and Appeals Policy and Procedure
- Sexual Harassment and Sexual Assault Prevention Policy and Procedure
- Admission Policy
- Records Management and Security Procedures
- International Student Transfer Between Registered Providers Policy
- Student Fees Policy
- Student Welfare and Support Policy
- Privacy Policy
- Equity and Diversity Policy
- Refund 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)

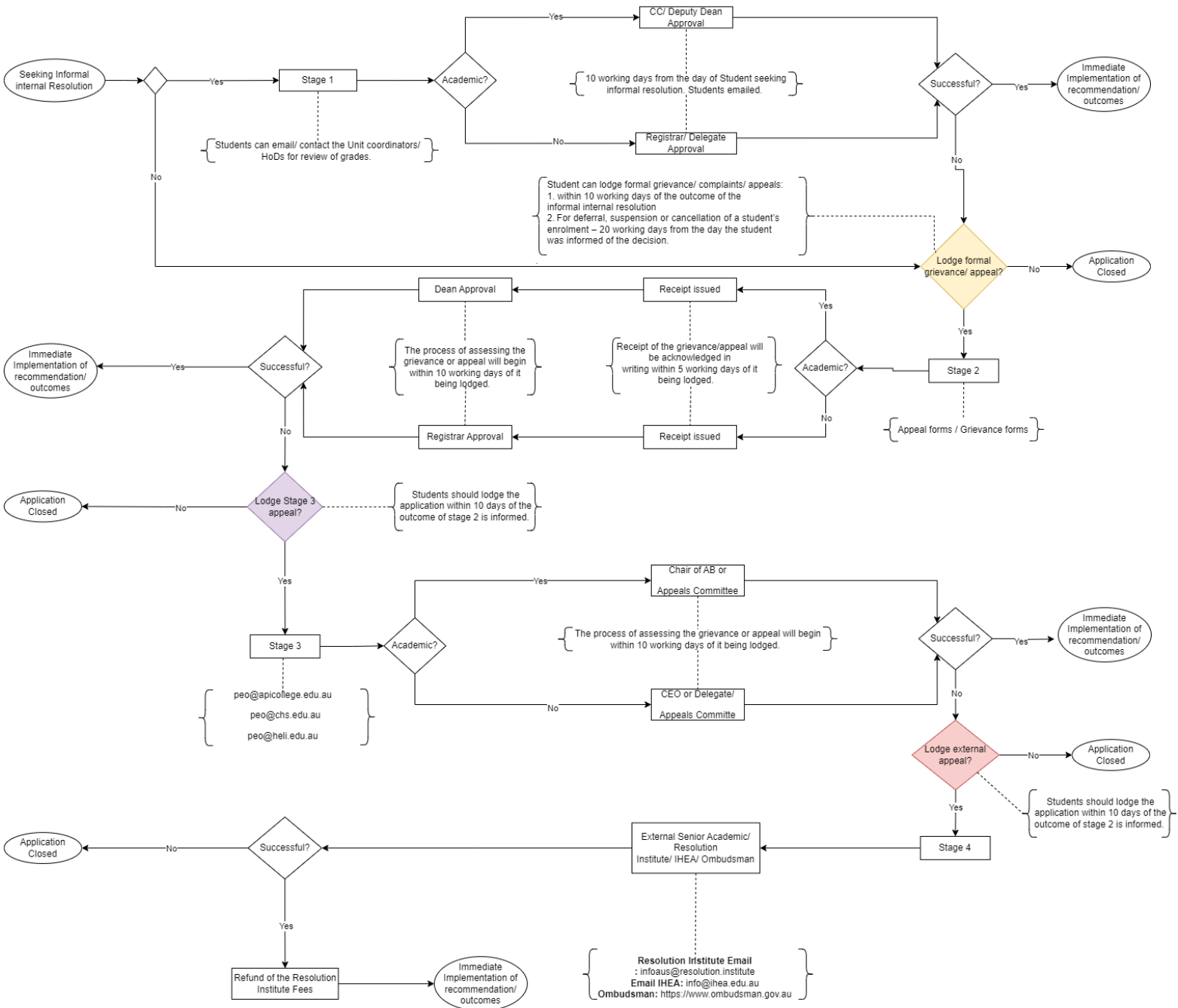
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Version	Approved by	Approval Date	Details
1.0	Board of Directors	21 January 2016	Document creation and initial approval
2.0	Board of Directors	28 February 2018	Minor updates as a result of scheduled review
3.0	Board of Directors	5 June 2019	Changes 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	25 October 2024	<p>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.</p>
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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