

# Complaints and Appeals Policy – Domestic – Higher Education

**Policy code:** STU-068

**Version:** 1.0

**Effective date:** 21 March 2023

## Purpose

This policy pertains to the management of higher education applicant and student complaints by providing guidance to the procedure to be followed, and ensuring that the concern raised is addressed using the appropriate channels to facilitate an equitable, confidential, and prompt resolution. This policy is freely available to higher education students or persons seeking to enrol in a higher education course of study via the College's website, regardless of the location of campus at which the complaint has arisen, the student's place of study or the delivery mode.

This policy supersedes the previous *Grievance Policy – Domestic Students – Higher Education*.

## Scope

- All campuses (including online)
- All higher education courses
- All higher education students – domestic only
- All prospective higher education domestic students (up to 6 months from issue arising – non-academic matters only)
- All former higher education domestic students of the College (up to 6 months after enrolment has ceased)

## Policy statement

The College is committed to providing high quality educational courses and excellent graduates who will practice as leaders in their chosen field. The College recognises the importance of effective communication as essential to resolving any concerns, and this policy is fundamental to the resolution of complaints and appeals and the reconciliation of Claimants with the College.

The College considers it important to be made aware of all complaints and appeals from members of the College community. The College aims to respond to complaints and appeals in a fair and equitable manner and to resolve the complaint to the satisfaction of all parties. This policy is in place to deal with both academic and non-academic appeals and complaints, and to guide the actions taken by all parties.

This policy and related procedures and other documents will be published on the College's higher education website for the information of current and prospective higher education students, academics, and general staff.

The Director of Student Services and Retention, the Director of Education and the Complaints and Resolutions Officer are responsible for the training of academic and support staff in the application of the policy.

## Record Keeping and Confidentiality

Records of complaints and appeals and their outcomes will be kept strictly confidential and managed in accordance with the College's *Privacy Policy*.

All documentation relating to complaints and appeals will be kept confidential and shall be disclosed only to those persons who have a right to the information by virtue of their role in the complaints process, or as required by law.

In accordance with the College's *Records Management Policy*, the College maintains a record of student complaints via College business systems, systems platforms and the Student Management System.

- All related correspondence will be maintained and stored in College business systems and platforms and for Formal Complaints and Cases:
  - Non-academic complaint records will be held by the Complaints & Resolutions Officer
  - Academic complaint records will be held by the Director of Education or delegated authority
- Each file is to be held by the College for a minimum period of seven years after the Claimant's final dealings with the College.
- The minimum seven-year retention provision also applies where the complaint or appeal is dealt with externally, with the retention period commencing at the conclusion of the external reviewer's involvement with the complaint.
- Informal complaint records may be destroyed earlier only when mutual resolution is agreed.

## Academic and Non-academic Matters

Academic matters relate to student academic progress, curriculum, quality of course delivery, academic achievement in a course and awards in a course.

- Information on academic appeals, including assessment and grade appeals, is contained in the *Assessment Policy - Higher Education*.

Non-academic matters may include, but are not limited to, operational and administrative issues and do **not** relate to student progress, curriculum and award in a course(s). This policy also extends to complaints about breaches of personal information by the College relating to information obtained by the College for the purposes of FEE-HELP / HECS-HELP assistance, Commonwealth Supported Places and repayment of HELP loans.

- Information on Student Sexual Harassment / Bullying / Discrimination is contained in the *Student Equal Opportunity and Fair Treatment Policy - Higher Education*.

Examples of both academic and non-academic matters are listed in the table below.

Academic	Non-academic
Exclusion from study or continual enrolment	Management of and breach of personal information
Results of credit transfer or RPL applications	Concerns about campus services or facilities, health and safety management, library, building access, and support services
Findings of allegations of academic student misconduct (e.g. plagiarism or cheating)	A non-academic concern about a decision, action, or behaviour that results in a claim that a student has sustained non-academic disadvantage in the course and the ability to graduate
Quality of course delivery	Negative admissions decisions

## Assurances

Students have the right to provide feedback and raise a complaint about College services and processes.

- Complaints and appeal applications made to the College are considered with courtesy, due regard to confidentiality, and without fear of prejudicial treatment.

All students are afforded procedural fairness and an opportunity to present their complaint, and the right to have it considered by an un-biased decision-maker.

During all stages of the complaint process, the College will take all steps necessary to ensure that the Claimant and Respondent will not suffer any disadvantage, victimisation or discrimination as a result of raising a complaint or appeal.

- Appropriate confidentiality will be maintained, and where possible, disclosure of complaint and / or appeal information will be limited to those who are legitimately involved in the process of resolving the complaint,
- Negotiated solutions will aim to address the key issues and be acceptable to all individuals or parties involved without ascribing blame, victimisation or discrimination.
- An explanation in writing for decisions and actions taken at any stage of the process will be provided if requested by the Claimant or the Respondent.

There is no assurance that all complaints and appeals may be resolved to the satisfaction of the student, particularly if they are related to the availability of resources (e.g. timetabling, the timing and location of class schedules, or availability or access to services outside of College standard operating hours).

This policy does not replace or modify policies or any other responsibilities that may arise under other College policies or under statute or natural justice. Neither this policy nor the availability of complaints and appeals processes remove the right of the student to take action under Australia's consumer protection laws or the right to pursue other legal courses of action.

## Feedback

Feedback from students or potential students about academic and support services, and courses offered by the College, is encouraged and would not normally be viewed as a complaint, unless specific action is requested in the form of a concern.

## Prospective and Former Students

This policy and related procedure also cover prospective higher education students of the College who have a complaint with such matters as the enrolment process, or higher education students who have ceased their enrolment with the College.

- Issues from prospective students can be considered under this policy **up to six (6) months** from the time of the issue arising.
- Issues from former students can be considered under this policy for a period of **up to 6 months** after their enrolment has ceased.

## Principles

### 1. Availability

This policy is freely available to all students. All students are entitled to access the complaints and appeals procedures set out in this policy, regardless of the campus at which the complaint has arisen. For the student's complaint to be considered and properly or fully investigated, the student must maintain an active enrolment status with the College while the internal complaint handling process is ongoing or meet the prospective higher education students and former higher education domestic students timeframes as outlined in the policy's [scope](#).

### 2. Cost

All internal stages of the Student Complaints and Appeals Process shall be free of charge to the student. Students choosing to access an external review agency (refer [Stage 4](#)), may be required to pay a service fee. The service fee is refunded to the student by the College if the external review agency decides in favour of the student.

### 3. Advocacy and Support for Students

Any person involved in this process who is disadvantaged in any way in the ability to present his / her case should be allowed the support and advice needed to participate effectively. While a conciliatory approach is preferred and encouraged under these procedures, it may be appropriate in some circumstances, that the student or staff member has another person speak on his or her behalf.

Students may be accompanied by their nominated support person or third party when meeting with the College to discuss their particular concern. This person should not be a lawyer. The meeting is not permitted to be recorded. If the nominated support person is a member of College staff, this person should discuss their suitability for the role, and issues related to confidentiality, with the Complaints and Resolutions Officer prior to the meeting.

The Talk Campus peer support app is available to students (24/7). This is a free peer-to-peer support platform for Higher Education students, allowing them to join specialist support groups based on their circumstances and

connect to a range of resources that support mental health and wellbeing. Students can refer to the website to access [Talk Campus](#) and other helpful links for student wellbeing and safety

#### 4. Timeliness

All complaints and appeals should be resolved as quickly as possible. Timeframes prescribed in these procedures should be followed unless there are exceptional circumstances. If the timeframes are to be exceeded, the student must always be informed of the expected length of, and the reason for, the delay.

- If the College has requested further supporting details and / or documentation to substantiate the complaint or appeal and the student has not provided and / or responded to these requests, the case will be delayed and assessed on the documentation presented, and / or closed due to insufficient documentation to substantiate case investigation.

Timeframes for Complaints and Appeals - Academic:

- Academic Appeals may be **raised 20 working days** from the initial academic case submission outcome.

Timeframes for Complaints and Appeals - Non-Academic:

- Stage 2 Appeals may be **raised 20 working days** from the initial complaint case submission outcome.
- Stage 3 Appeals may be **raised 20 working days** from initial formal complaint case submission outcome.
- Stage 4 External review may be **raised 28 days from** initial formal complaint appeal case submission outcome.

#### 5. Appropriate Confidentiality

All complaints and appeals must be treated with appropriate confidentiality at all stages of the process. Access to information must be strictly limited to those staff members who have a 'need to know' in order to deal with the complaint and / or appeal. On all individual submissions, the Claimant's privacy rights will be assured, and all complaints and appeals will be treated on an individual and case-by-case basis.

#### 6. Without Disadvantage

If a student lodges a complaint or an appeal under this policy and its procedures, they should feel confident they will not be disadvantaged in any way, especially by way of subsequent victimisation, and / or discrimination.

#### 7. Procedural Fairness

Procedural fairness, also referred to as natural justice, is concerned with the procedures used by the Responsible Officer or decision-maker, rather than the decision reached. It requires a fair and transparent procedure be used when making a decision. All parties involved in a complaint or appeal must be given the right to be heard; the right to be treated without bias; and for a decision that is based on evidence.

In practice, procedural fairness involves:

- ensuring that there is proper investigation of the facts and information available,
- informing relevant parties of any allegations made against them, as appropriate,

- ensuring that all parties are informed of the procedures under which the complaint or appeal are being handled and are given a copy of the relevant policy and procedures / guidelines,
- ensuring that all parties are heard, and those who have had complaints made against them are given an opportunity to respond,
- ensuring that all relevant submissions and any mitigating factors are given due and proper consideration before any conclusions are reached or any action is taken,
- advising all parties that if the complaint is of such a serious nature that disciplinary action may result, then the facts revealed during an investigation into the complaint may be used in any subsequent disciplinary proceedings, and
- ensuring impartiality on the part of the investigator and / or decision-maker, which means the investigator / decision-maker, must exclude themselves if there is any bias or conflict of interest.

## 8. Access to an Independent Third Party

On any occasion when the complaint or appeal is to be discussed, the student may choose to be accompanied by a support person or access an independent third party. The support person is able to accompany the student to the meeting, however is not an active participant in the meeting. A support person should not be lawyer.

## 9. Complaints Involving Allegations Concerning a Staff Member

Where a student complaint includes allegations concerning the conduct of a staff member, and the substance of those allegations may include allegations of bullying, harassment and discrimination by a staff member as defined in the *Student Equal Opportunity and Fair Treatment Policy - Higher Education*, the allegation shall be managed in accordance with the provisions in the related legislative framework.

## 10. Anonymous Complaints

It is recognised that in some instances students may choose to make a complaint anonymously. While the College treats complaints reported anonymously seriously, it may be unable to either properly or fully investigate such a complaint. The person lodging the complaint will need to provide their name and contact details, as the College is unable to take action on anonymous complaints. All matters are treated with the appropriate confidentiality.

## 11. Group Complaints / Petitions

It is recognised that in some instances students may choose to start a group complaint or petition (online or paper-based, or submitted through the College feedback channels). While the College treats all complaints seriously, it will not respond to group complaints and / or group petitions.

- The College respects the individual nature of each complaint, and the right to uphold an individual's privacy and confidentiality.
- In order to fully investigate and / or to respond to the complaint, the person lodging the complaint is required to lodge the complaint individually through the appropriate complaint stages to support an investigation, or provide a decision or for the College to take action to resolve the complaint.

Complainants who engage in unreasonable behaviour and / or use language that is slanderous in nature that adversely impacts the College's reputation through a public group complaint / petition, may be dealt with in accordance with the College's *Student Misconduct Policy - Higher Education*.

## 12. Grounds for Complaints

Grounds for complaints include but are not limited to:

- Students being affected by a decision made without sufficient consideration of facts, evidence or circumstances
- Students being affected by a failure to adhere to appropriate or relevant published college policies or procedures
- Penalties applied to the student being unduly harsh or inappropriate
- Students being affected by improper or negligent conduct by another student or staff member
- Students being affected by unfair treatment, prejudice or bias.

## 13. Age of Complaint

All complaints will be investigated within the stipulated timeframes for:

- All prospective higher education students (**up to 6 months from issue arising** – non-academic matters only),
- All current higher education students (**up to 6 months from the issue arising** for non-academic and academic matters),
- All former higher education domestic students of the College (**up to 6 months after enrolment has ceased**).

## 14. Frivolous, Malicious or Vexatious Complaints

The College may decline to take action in respect of a complaint that is assessed as frivolous, malicious or vexatious. A complaint is frivolous, malicious or vexatious where the complaint is:

- without merit or without reasonable cause; or
- dishonest or contains intentionally misleading information; or
- the substance of the complaint has already been considered by the College and satisfactory measures have been taken to resolve the matter; or
- pursued with undue persistence while a resolution is in process; or
- pursued with undue persistence after resolution; or
- pursued in a manner that threatens, menaces or harasses a member of College staff, multiple departments or fellow student.



Complainants who engage in unreasonable behaviour in respect of making complaints may be dealt with in accordance with the College's *Student Misconduct Policy - Higher Education*.

### 15. Withdrawal of a Complaint

A request by a student to withdraw a complaint may be made in writing at any time during the complaints process, through the relevant College complaint and appeal channels via the Student Portal > Complaints and Appeals process, or via the Student Help Hub > Provide feedback link. Notwithstanding this, the College reserves the right to continue to investigate a complaint if required to do so to satisfy other investigation requirements or protect its own interests.

If a complaint or appeal is withdrawn in writing during the course of the complaint resolution or review process, this matter cannot be raised again unless it involves new substantive information or a separate incident.

### 16. Outcomes of a Complaint

In making a complaint, a student requests a review (among other matters) of their experience at the College. A student may seek as an outcome one or more of the following:

- improving existing services and processes
- receiving an apology
- correcting an error in relation to the student or the student's record
- having a decision made
- setting aside the original decision and / or reviewing the decision made.

If a complaint has been fully investigated and a resolution reached, the matter cannot be raised again unless it involves new substantive information or a separate incident.

## Complaint Resolution Principles

The following principles will apply to all complaints and appeals managed by the College, either informally or formally:

1. Wherever possible, the resolution of complaints will be handled informally, and claimants are encouraged to attempt to resolve the complaint informally and amicably at an early stage.

This can be done by:

- speaking directly and booking a meeting with a member of staff; or
- submitting written feedback via email to [qualityfeedbackmonitor@endeavour.edu.au](mailto:qualityfeedbackmonitor@endeavour.edu.au)

A complaint submitted under these circumstances must not be a previous complaint that has been considered resolved, but a new complaint with new facts that may have recently come to light. A previous complaint cannot be re-instigated after the student's enrolment with the College has ceased or after the prospective student's complaint has been resolved.



2. The Claimant's privacy rights will be assured whilst also ensuring that victimisation and discrimination does not occur at any time during the investigation stages.
  - The Claimant has the right to be heard on the matter of the complaint at any stage and may be accompanied by their nominated support person or third party when meeting with the College to discuss their particular concern. If the support person is a staff member or a fellow student, the Complaints and Resolutions Officer is to be informed in writing seven (7) working days prior to the meeting. The Complaints and Resolutions Officer will approve or request an alternative support person to attend the meeting if there is determined to be a conflict of interest.
3. Complaints will be resolved as soon as possible with due regard to the legislative standards, which include the process:
  - to commence within seven (7) working days of the complaint being lodged,
  - be at no direct cost to the student, and
  - to be finalised as soon as is practicable.
4. If the College considers more than 30 working days is required to process and finalise a formal complaint at any stage of the process, the complainant will be informed in writing as to the reasons behind this decision. The timeframe for complaint processing will start again when a new stage of the process begins.
5. As a general principle, staff and students are mutually responsible for resolving problems quickly through discussion and / or writing at the local level, limiting the number of people involved to a minimum, for the purposes of avoiding an escalation of the problem in scope and impact.
  - In resolving problems, interactions amongst students and staff, are to be based on mutual respect, fairness and fulfilment of their obligations as specified in the *Student Code of Conduct - Higher Education*.
  - In presenting their case, complainants are expected to provide an accurate and complete account of the issue without inclusion of extraneous or irrelevant material.
  - Students should consider the issue calmly and present their complaint in a measured and courteous manner upon which the College can reflect and identify how it may improve its performance and respond in a respectful way.
  - In resolving complaints, interactions among students and staff, including those mediated through the Student Portal and Student Help Hub, are to remain respectful, based on facts to support due process and be presented in a way that supports a solution focused outcome
  - Information presented that may not be relevant to the case will be noted and recorded as part of the complaint or appeal case submission, however may not be considered in the investigation for an outcome.
  - Students who use aggressive, malicious or defamatory language in making complaints to or about staff or other students may not facilitate resolution of their concern.
  - The complaints-handling processes assumes the parties involved act in genuine good faith with a view to resolution

- All parties must respect privacy and confidentiality, except where the release of particular information is required by law.
- Students who make a complaint and behave in a manner that may be in breach of the *Student Code of Conduct – HE*, may result in the complaint not being resolved and the alleged behaviour being considered as per the *Student Misconduct Policy – Higher Education*.

## Complaint Escalation

- For the purpose of managing complaints, complaints can be distinguished by their level of seriousness. Where there is a doubt as to the level of seriousness, advice should be sought by the staff reviewing a complaint, and the most appropriate specialist manager or department is to be informed to support serious, complicated and / or conflict of interest complaints.
- Where it is determined that a complaint may be categorised as a serious complaint including alleged unlawful behaviour, alleged sexual harassment or misconduct, these will be raised in the first instance to the Director of Student Services and Retention (or delegated authorities) and the Director of Education (or delegated authorities).
- A duty of care exists to resolve matters which are considered serious or unlawful, may include but are not limited to sexual, harassment, all matters covered by the grounds of anti-discrimination laws, assault and those contrary to the College codes and rules as outlined in the *Student Equal Opportunity and Fair Treatment Policy - HE* and referenced in the *Student Misconduct Policy – Higher Education*.

## Complaints - Academic

All initial Academic feedback and requests are to be submitted via the Student Portal > Special Considerations and Academic Appeals.

### Academic Appeals Resolution Process

Students who are dissatisfied with the outcome of an academic decision may submit an appeal of that decision.

Applications are lodged via the Student Portal > Special Consideration and Appeals > Appeal of Academic Decision

- An academic appeal is a request for the College to review or reconsider an academic decision, where it is believed that a procedural or other error (e.g. a biased decision) has occurred in the original decision.
- Applications must be made **no later than ten (10) working days** after receiving the original decision.

Decisions for which an appeal may be made are those related to:

- Special consideration applications
- Pre or co-requisite waiver requests
- Attendance waiver and clinic make-up requests

- An assessment mark
- A subject grade
- Recognition of prior learning/credit applications

All requests for review of academic decisions must be supported by a case where a student explains, in detail and with supporting evidence, how the original decision-maker:

- did not follow College Policy or process;
- did not meet the requirements stated in Subject Outlines or marking rubrics were applied prejudicially;
- did not consider all relevant information in making their decision;
- did not consider evidence of extenuating circumstances provided during the teaching period; and/or
- was biased or made an error in their decision.

Appeals will not be considered where a student

- simply disagrees with the decision,
- states the decision is unfair (without providing evidence of how it is 'unfair'), or
- has not provided all relevant information to the original decision-maker.

The Director of Education will decide the appeal, however in complex cases or where the Director of Education has a conflict of interest, other senior academic staff may be consulted to determine the outcome.

- There is no further internal appeal of an academic decision and decisions made at the Academic Appeals stage are final.
- Where a student remains dissatisfied with the outcome, they may seek external independent review as outlined in Stage 4 External Independent Review.

## Complaints – Non-Academic

### Complaint Resolution Stage 1 – Informal Resolution

The College is committed to promoting a 'feedback and complaints friendly culture', whereby feedback leads to useful information for the continuous improvement of its services, by providing an easily accessible and responsive complaints handling process for students.

#### Complaint Submission

Wherever possible, the resolution of student complaints will be handled informally and claimants are encouraged to attempt to resolve the complaint informally and amicably at an early stage.

This can be done by:

- speaking directly and booking a meeting with a member of student support staff via the LMS > Help > Consultations > Services / Success / International / Library

- speaking directly and booking a meeting with an academic staff member and / or academic Subject Administrator via the LMS > Help > Consultations > Academic
- submitting written feedback via the Student Portal > Complaints and Appeals > General Feedback or via the [Student Help Hub > Provide Feedback](#). These mechanisms offer a range of feedback options. In all cases, students are encouraged to select the relevant department feedback option and follow this informal resolution process.

### Complaint Review

All informal complaints will be reviewed by the relevant staff member or the Complaints and Resolutions Officer (written feedback) to support a resolution.

In the circumstances where the feedback requires clarification and / or more details for investigation to support an outcome, the student may be asked to clarify information:

- All student communications are via the Student Portal > My Details > Interactions tab ,or via the Student Help Hub ticket to the student eWeb address.
- Students are expected to respond to all College communications in a timely manner to support a resolution.
- Students that do not respond to information requests may not be able to resolve their feedback as, in the case of non-submission of further supporting documentation, the feedback case will be closed.
- Students will be informed of the closure of all feedback submissions via the Student Portal Interactions Module and / or via the student eWeb address.

### Complaint Outcome

When submitting written feedback via the Student Portal, general feedback, or the provide feedback option, a response will be received **within seven (7) working days**.

If the complaint is not resolved through informal procedures, Claimants may refer to [Complaint Resolution Stage 2 – Formal Complaint](#).

### Complaint Resolution Stage 2 – Formal Complaint

The formal complaint procedure begins when a student or potential student states in writing that they have a Formal Complaint.

A student may raise a formal complaint only after the Stage 1 - Informal Resolution process has been followed and is within **up to twenty (20) working days** of the written notification of the outcome.

Students that submit a formal complaint are expected to:

- Develop and substantiate an argument about why the original resolution did not comply with College procedures, rules or policies
- Explain why the rule or policy was applied unfairly, prejudicially or with bias

- Outline the details of the initial complaint and provide reasons to why the decision should be reviewed
- Outline how the Claimant has tried to resolve the complaint informally - this may include dates, times, staff members involved in consultations, and submission of relevant documentation
- Submit all documentation to support a review and investigation, not limited to but inclusive of written evidence, staff statements, or any other information deemed relevant to the complaint.

### Complaint Submission

Students may submit a formal complaint via:

- The Student Portal > Complaints and Appeals > Formal Complaint

Upon submission, the student will receive a case number and all correspondence will be recorded on file via the Student Portal > My Details > Interactions, and via email to the student eWeb account.

### Complaint Review

The Complaints and Resolutions Officer will raise the complaint to the relevant National Manager / Coordinator (or delegated authority) and support the investigation into the formal complaint to support a resolution.

In the circumstance where the formal complaint requires clarification and / or more details for investigation to support an outcome, the student may be asked to clarify or provide further information to seek a resolution.

As part of the formal complaint process students are expected to:

- Respond to all College requests for additional supporting documentation **within ten (10) working days**.
- Attend a meeting as requested to support a formal complaint investigation to identify the ways that the complaint might be potentially resolved.
- Students that do not respond to information requests may not be able to resolve their complaint as, in the absence of sufficient supporting documentation, the formal complaint case may be closed.

### Complaint Outcome

The College aims to resolve student formal complaints within **thirty (30) working days** of the completed complaint submission. However, complex complaints may take longer to resolve. The staff member managing the case will inform the student if the case has been escalated and any adjusted timeframes associated with case resolution.

Once a resolution has been reached, the student will receive a response in writing with an outcome **within thirty (30) working days**, from the date of completed case submissions.

If the complaint is not resolved, Claimants may refer to [Complaint Resolution Stage 3 – Formal Complaint Appeal](#).

### Complaint Resolution Stage 3 - Formal Complaint Appeal

A student may raise a Formal Complaint Appeal where Stage 1 and Stage 2 complaint processes have been completed and remain unresolved.

- A formal complaint appeal can be raised within **twenty (20) working days** of the outcome of the Formal Complaint.

- The College will not set aside a decision simply because students disagree with a decision, and appeals based solely on the ground that the student disagrees with the outcome will not be heard.

Students may seek to review or appeal the decision where the student considers it was an unreasonable decision:

- Students may raise an appeal only after the informal and the formal complaint process has been completed.
- Students bear the onus of proof and are responsible for establishing that the decision in the first instance was an unreasonable decision. A review will be considered on the following grounds:
  - the policies and procedures have not been followed; or
  - the process has been incorrectly followed and / or criteria incorrectly applied; or
  - new evidence is available that was not available to the original decision-maker at the time the complaint was initiated.
- It is the responsibility of the students to identify fully the grounds on which they believe that the decision was an unreasonable decision and provide all relevant evidence from the beginning of the review or appeal process.
- New grounds for review or appeal or new evidence should not be introduced during the process unless:
  - there has been a major change in circumstance since the students initiated the complaint,
  - the new information or evidence was not reasonably available to the student or the original decision-maker at the time the complaint was initiated, and
  - the new information or evidence has a material effect on the formal complaint raised.

## Complaint Submission

Students may submit a formal complaint via:

- The Student Portal > Complaints and Appeals > Formal Complaint

Upon submission, the student will receive a case number and all correspondence will be recorded on file via the Student Portal > My Details > Interactions, and via email to the student eWeb account.

## Complaint Review

The Director of Student Services (or delegated authorities) will investigate the Formal Complaint Appeal to support a resolution.

As part of the formal complaint appeal process, students are expected to:

- Respond to all College requests for additional supporting documentation within **ten (10) working days**
- Attend a meeting or hearing as requested to support a formal complaint investigation to identify the ways that the complaint might be potentially resolved.

- Students that do not respond to information requests may not be able to resolve their complaint as, in the absence of sufficient supporting documentation, the formal complaint appeal case may be closed.

As part of the formal complaint appeal process the student may be asked to:

- Attend a mediation hearing arranged by the College through the *Student Mediation Scheme*, Resolution Institute at [www.resolution.institute](http://www.resolution.institute)
- Present the appeal case to the Misconduct & Appeals Committee for a resolution (see *Academic Governance Framework* for terms of reference and membership).

### Complaint Outcome

The College aims to resolve student formal complaint appeals within **thirty (30) working days** of the completed case submission. However, complex complaints may take longer to resolve.

The student will be informed of the outcome of Stage 3 by the Complaints and Resolutions Officer via the Student Portal > My Details > Interactions and directly via the student email eWeb address.

If the complaint is not resolved through Stages 1 to 3, Claimants may refer to [Complaint Resolution Stage 4 – External Independent Review](#).

### Complaint Resolution Stage 4 - External Independent Review

Having completed Stages 1 – 3 of the process as outlined above, Claimants who wish to lodge an external appeal or complaint against the outcome of the internal appeal process (including the decision of the Misconduct & Appeals Committee) may seek an independent external review of the decision.

To progress to Stage 4, the Claimant is recommended to lodge an appeal application **within 28 working days** of the date of the written notice of the final internal outcome.

- The claimant needs to ensure that this request presents a substantial reason for an external review of the decision, and must include all documents relevant to the case so the external reviewer can obtain a full understanding of the complaint.
- It is not sufficient for the Claimant to simply disagree with the decision and request an external review.
- The written request needs to present new or additional information to support the case, or to substantiate their argument as to why the original decision of the Misconduct & Appeals Committee or previous Stage 2 and Stage 3 appeal did not comply with the College's policies, rules or procedures.
- In the case of an external appeal, the College will cease communications with the student and respond directly only to information requests from the external reviewer.

All students have an avenue to appeal to the relevant Commonwealth, State or Territory Ombudsman, about administrative actions or decisions and the related processes, but only after all internal processes for resolution have been followed and concluded.

Depending on the circumstance, the student may lodge an external review to:



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**a. Any Australian Domestic Student**

Domestic students can contact the Australian Competition and Consumer Commission (ACCC) at [www.accc.gov.au](http://www.accc.gov.au).

Students should refer to the Contact us page on the website for ACCC office locations and direct contact numbers.

Students should refer to the fees charged information outlined on the website for contacting the 1300 number.

**OR**

**b. FEE-HELP / HECS-HELP Student: Remission of fees complaints only**

The Administrative Appeals Tribunal at [www.aat.gov.au/](http://www.aat.gov.au/)

Students may be required to pay an application fee and should refer to the website provided.

If the claimant is not satisfied with a decision of the external reviewer that has implications for a FEE-HELP or HECS-HELP debt, the Claimant has the right to apply to the Administrative Appeals Tribunal for a review of any decision that has been confirmed, varied or set aside under section 209-5 or 209-10 of the *Higher Education Support Act 2003*. Refer to the *Remissions of Financial Liability due to Special Consideration Policy – Higher Education*.

If any of the above complaints are not upheld, the student will be given a written explanation by the external reviewer which will include the reasons for the decision.

It should be noted that the processes set out in this document do not replace or modify procedures or any other responsibilities which may arise under other policies or under statute or any other law. Nothing in this policy and procedure limits the rights of individuals to take action under Australia's Consumer Protection Laws. Also, these processes do not circumscribe an individual's rights to pursue other legal remedies.

## External Independent Review Decision

The College agrees to be bound by the independent external reviewer's recommendations. The Director of Student Services and Retention (non-academic) (or delegated nominee) or the Director of Education (academic) (or delegated nominee) will ensure that any recommendations made are implemented within 30 days of receipt of the external reviewer's report.

## Continuous Improvement

Any improvement action arising from a higher education student complaint or appeal will be recorded on the College's Continuous Improvement Register, with complaint information de-identified.

## International Students

International students enrolled in a Higher Education course are not covered under this policy, and should refer to the *Complaints and Appeals Policy – International* for further information on the relevant complaint process.

## Definitions

**Academic Complaint**- a complaint about student academic progress, assessment, curriculum, the quality of course delivery, academic achievement in a course and awards in a course.

**Appeal** - An application to a higher authority for a decision to be reversed.

**Claimant** - refers to the person who formally instigates a, complaint or appeal.

**College** – the Australian College of Natural Medicine Pty Ltd (ACNM) trades as Endeavour College of Natural Health and Endeavour Wellness Clinic. For the purpose of this policy, any reference to 'College' or 'the College' should be considered a reference to each or any of these respective trading names.

**Complaint** - A statement that a situation is unsatisfactory.

**Formal Complaint**- refers to the formal lodging of a written complaint or appeal.

**Complaint** - An official statement of a complaint over something believed to be wrong, which has resulted in what is believed to be by the Claimant, unfair treatment.

**Informal Complaint** - refers to a range of processes, such as discussion, a request or query lodged with an appropriate staff member.

**Natural Justice** - Natural justice refers to a due process that displays fairness to all parties. It includes the right to be heard, the right of reply, the right to be treated fairly and the right to be informed of allegation(s) being made.

**Non-academic Complaint** - a complaint about operational or administrative matters within the College, unfair treatment, abusive behaviours, concerns about facilities, environment and safety.

**Respondent** - refers to the person or institution against whom the grievance is lodged.

**Student** - an individual person who is formally enrolled to study at the College. The individual person is that who appears on the College's documents such as enrolment, admission and payment documents, and who is assigned an individual student ID.

**Support Person** - the student is entitled to be supported by another person, being willing to support, whom the student appoints to assist at any stage of the process.

**Unfair Treatment** - any treatment that the Claimant feels has been biased against them and has resulted in an outcome that would otherwise have been different, had the treatment been 'fair'. This usually means the Claimant feels discriminated against in some way.

**Working Day** - a weekday (Monday to Friday) on which the College is open for business. This does not include national public holidays or College shutdown periods (e.g.: Christmas holidays) as noted on the Student Calendar.

## Related procedures

*Academic Integrity and Student Misconduct Procedure*

*Grievance Procedure*

## Further information

### Related policies

- *Assessment Policy - Higher Education*
- *Complaints and Appeals Policy - International*
- *Privacy Policy*
- *Records Management Policy*
- *Remissions of Financial Liability due to Special Circumstances Policy – Higher Education*
- *Special Consideration Policy – Higher Education*
- *Student Code of Conduct - Higher Education*
- *Student Equal Opportunity and Fair Treatment Policy - Higher Education*
- *Student Misconduct Policy - Higher Education*

### Related documents

- *Academic Governance Framework*

### External references

Administrative Appeals Tribunal [www.aat.gov.au/](http://www.aat.gov.au/)

Australian Competition and Consumer Commission (ACCC) [www.accc.gov.au](http://www.accc.gov.au)

Resolution Institute, Student Mediation Scheme [www.resolution.institute](http://www.resolution.institute)

Tertiary Education Quality and Standards Agency. (2019, February 22). Guidance Note: Grievance and Complaint Handling. <https://www.teqsa.gov.au/guides-resources/resources/guidance-notes/guidance-note-grievance-and-complaint-handling>

### Benchmarking

Griffith University

Torrens University

University of Melbourne

University of Wollongong

### Related legislation

*Higher Education Support Act 2003* (Cth). <https://www.legislation.gov.au/Details/C2022C00005>

*Higher Education Support (Transitional Provisions and Consequential Amendments) Act 2003 (Cth).*

<https://www.legislation.gov.au/Details/C2005C00023>

## Review and approval

### Policy author

Director of Student Services & Retention

### Policy owner

Director of Student Services & Retention

### Contact

Director of Student Services & Retention

[Deirdre.mathias@endeavour.edu.au](mailto:Deirdre.mathias@endeavour.edu.au)

### Approval body

Academic Council

Meeting date: 10 February 2023

### Policy status

- New – supersedes *Grievance Policy – Domestic Students - HE*

### Responsibilities for implementation

- Complaints and Resolutions Officer
- Director of Education
- Director of Student Services and Retention
- Misconduct and Appeals Committee - HE

### Key stakeholders

- Heads of Department
- Head of Teaching and Learning
- National Quality, Governance and Compliance Manager
- Senior Leadership Team
- Student Services, Student Success Advisers
- Students