



# STUDENT GRIEVANCES, COMPLAINTS AND APPEALS POLICY

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## Purpose

The purpose of this policy is for Lincoln Education Australia (LEA) to manage student grievances, complaints and appeals effectively and efficiently, and to use feedback to improve practice.

The policy outlines a complaints and grievance management framework to resolve grievances, complaints and appeals in fair, equitable and confidential manner.

An effective complaints management system improves student satisfaction and provides feedback to effect continuous improvement.

## Scope

This policy applies to:

- All current students who have accepted LEA's Conditions of Enrolment
- All applicants who have formally applied to be enrolled at LEA
- Parents or legal guardians of prospective students under the age of 18 years
- All staff members involved in the management of student grievances, complaints and appeals process
- Any third-party acting for or on behalf of LEA

## Principles

LEA expects all parties to a grievance or complaint to act in good faith and seek to achieve an amicable resolution. LEA shall not accept any form of intimidation, harassment, threats or offensive behaviour from any parties.

In managing all student grievances and complaints, LEA shall ensure that the principles of natural justice are adhered to:

- all parties to a complaint shall have the right to be heard
- all relevant submissions and evidence shall be considered
- matters that are not relevant shall not be taken into account, and
- the decision maker shall not be biased or appear to be biased

LEA's implementation of this policy is underpinned by the following guiding principles:

- Anonymous complaints shall only be investigated if they are considered serious or high risk



- Complaints and appeals that are frivolous, unreasonable, or lacking substance shall be dismissed once the complaint and the supporting evidence have been considered by the manager assigned to investigate and process the complaint
- Vexatious complaints may lead to disciplinary proceedings being taken against the person making the complaint
- All parties to a complaint shall respect privacy and confidentiality, except where the release of particular information is required by law
- Details of student complaints shall be known only to those directly involved in its resolution
- All details of the complaint and subsequent investigation shall remain strictly confidential
- The complainant and respondent shall not be victimised or discriminated against in any manner
- All complaints shall be made and dealt with in a timely manner according to the complaints process
- All internal grievances, complaints and appeals by students, parents or prospective students are dealt with, at minimal or no cost
- The complainant is entitled to ask for assistance in the form of a translator/interpreter at any time during the process
- The complainant and respondent may bring one person (such as a friend, family member, counsellor or other support person) to represent/support them to any meetings during the complaint process. The support person cannot be a legal practitioner
- Students who are party to the complaint process shall continue their studies as usual during the process, except where their health or safety is potentially at risk or if they pose a health or safety risk to others
- For international students studying in Australia, where the complaint relates to unsatisfactory academic progress then the processes outlined in the *Academic Progress Policy and Procedures* shall be followed
- A student may seek confidential, independent professional advice at any stage of a complaint
- Resolution of a complaint may be reached at any stage
- There shall be no bias in the management of student complaints
- If two or more complaints about the same matter are submitted independently, they may be considered jointly by agreement of all parties concerned
- Upon resolution, all further investigation ceases
- Details of the complaint, its investigation and outcome shall be documented and filed appropriately and can be requested at any stage of the process by the complainant or respondent



- In the event of a complaint not being resolved internally, LEA and the complainant may appoint an independent arbiter to review the complaints and recommend a solution
- Complainants have a right to appeal if they believe their complaint has not been adequately resolved
- All student academic appeals are managed by the *Appeals Committee*, a subcommittee of the Academic Board
- The outcomes of each complaint and appeal and the feedback on the process shall be analysed and recommendations for LEA improvement of processes and services shall be recorded in the “Complaints and Appeals Register”

## Grievance and Complaints Process

Students who have a grievance or wishing to make a complaint should first seek advice from an independent person knowledgeable about the process and aware of potential outcomes such as:

- a student adviser
- an appropriate academic staff member
- a staff member from the student support service
- a member of the Student Representative Group

In line with the policy’s guiding principles, LEA expects the student and the independent person to:

- Consider whether the complaint is reasonable
- Clarify the details of the matter, the basis for the complaint and the resolution sought, and
- Where appropriate, identify the most appropriate process under which the matter may be pursued

If this approach is impractical or the grievance cannot be resolved as above, the student may request to speak with the:

- Student Experience Manager for non-academic matters, and
- Course Coordinator if it is an academic matter

Senior staff should consider all options to resolve the grievance, so they do not become a formal complaint unless a formal process is genuinely required.

Pursuant to the above discussion, the student may decide to:

- take no further action
- make an informal approach to the person concerned (the respondent)
- seek mediation, or



- proceed directly to the formal complaint process

### ***Lodging a Formal Complaint***

If the student wishes to lodge a formal complaint, then the student shall be directed to make the complaint to the area responsible for the issues associated with the complaint.

All student complaints received shall be acknowledged within **5 working days**.

All formal complaints shall be in writing using the [Student Complaints and Appeals Form](#) and emailed to the Student Experience Manager or completed online.

### ***Investigation of Complaint***

All complaints are recorded in LEA's "Complaints and Appeals Register".

All complaints shall be investigated within ten (10) working days of being received and resolved as soon as practical by the relevant manager.

Investigation of complaints may involve:

- speaking to relevant staff and/or students to obtain further information
- reviewing processes if the complaint relates to an administrative or financial matter (such as enrolments and fee refunds)
- reviewing information provided if the complaint relates to bullying and/or harassment
- review potential unfair treatment of individuals on grounds of access and equity, and
- review processes if there are health and safety concerns regarding delivery of courses and/or assessments

Where the complaint relates to learning, assessment or access and equity, a formal interview or meeting with the student/s involved may be conducted to agree on an appropriate resolution.

The manager (e.g. Student Experience Manager or Course Coordinator) handling the complaint should take all reasonable steps to resolve a complaint promptly.

### ***Resolution of Complaint***

Once the investigation has been conducted and a determination made, the complainant/student shall receive a written response from the Academic Dean or Registrar or their delegates detailing the actions taken in response to the complaint and reasons of the outcome.

This shall usually occur within ten (10) working days of acknowledgement of the complaint, or as soon as practicable (depending on the nature of the complaint). If for some reason the investigation or determination takes longer, the student shall be advised in writing.



Any determination made in relation to a formal complaint shall be documented in the “Complaints and Appeals Register”.

## **Appeals Process**

Any student subject to a determination in relation to a complaint, who believes that they have grounds for appeal, is entitled to appeal that determination.

For academic matters, the matter is escalated to the Appeals Committee of the Academic Board.

For non-academic matters, it shall be referred to the Chief Operating Officer (COO) or delegate for final determination.

### ***Notice of Appeal***

If a student decides to appeal a determination, they must lodge a written “Notice of Appeal” within ten (10) working days of the determination being made.

International students may be subject to an “Intention to Report Letter” related to unsatisfactory academic progress, shall be informed that they have 20 working days to access the appeals process.

The appeal shall specify the outcome sought and set out the grounds of appeal and provide evidence supporting the grounds of appeal or any new information not previously provided in support of the complaint.

There is no cost incurred by the student for the appeals process and parties shall not be discriminated or victimised during the complaint process.

Failure to provide a completed *Notice of Appeal* with supporting new evidence may result in the appeal not being heard.

### ***Grounds of Appeal***

An appeal of a determination may be made on one or more of the following grounds:

- that new evidence of a relevant nature is available
- that the decision was made without due consideration of relevant facts, evidence or circumstances
- that there was bias, prejudice or a conflict of interest by the investigative or hearing body, or
- that some significant policy/procedural irregularity occurred in the investigative or hearing process



## ***Appeals Hearing***

For all academic matters, the Academic Board appoints the Appeals Committee. It shall comprise at least two (2) members of the Academic Board and Student Experience Manager. It shall not include any member who has:

- a personal involvement or connection with the student, or with the matters to be heard, or
- been involved in any activity that has or could potentially lead to bias, prejudice or a conflict of interest or would lead a reasonable person to conclude a bias, prejudice or conflict of interest in relation to the complaint

For all non-academic matters, the Chief Operating Officer (COO) shall review the appeal.

On receiving the appeal application, the Chair of the Appeals Committee or the COO (or delegate) in the case of a non-academic matter, shall review the application and determine whether to grant or dismiss the application.

If the Chair finds that there are no grounds for appeal, or that the appeal is lacking in substance or is frivolous or vexatious, the appeal may be dismissed without proceeding to hearing in the case of the Appeals Committee.

For non-academic matters, the COO or delegate may consult with one or more members of the Senior Management Team prior to making the decision.

The decision shall be communicated to the student in accordance with the standards set out in this Policy. Where an appeal application is dismissed, the student shall receive written notification within five (5) working days of the decision and informed of further appeal avenues.

If the Chair of the Appeals Committee decides to proceed with the appeal, a meeting of the Appeals Committee shall be convened within ten (10) working days after the *Notice of Appeal* is received by LEA.

The Appeals Committee shall determine the general conduct of the appeal hearing and the procedures to be adopted, as it thinks fit, based on general principles of natural justice and procedural fairness.

The Appeals Committee may:

- hear the appeal in relation to the determination of the complaint
- review, uphold, dismiss or vary the determination of the complaint, or
- refer the matter back to LEA for further inquiry and determination



At the appeal hearing, the student may be accompanied or assisted by a third party but shall advise LEA prior to the hearing if they intend to do so. Neither party, the student or LEA, may appoint a legal representative to represent them at the appeal hearing.

At the completion of the hearing, the Appeals Committee and/or the COO shall decide and communicate the outcome to LEA within five (5) working days of the hearing.

If for some reason the investigation or determination takes longer, the student shall be advised in writing.

The student may withdraw their appeal at any stage in the process. If the student does this no further appeals on the matter shall be accepted and the appeal is deemed to be resolved.

If the appeal of a complaint is upheld, the Appeals Committee or COO, as appropriate, may determine what action is to occur. Where the Appeals Committee or COO dismiss an appeal, the original determination is confirmed and may be processed along with any recommendation originally made.

The proceedings and decision of an appeal shall be kept private and confidential, as outlined in LEA's Privacy Policy. A student may request access to records of the hearing and reasons for the determination. A decision of the Appeals Committee and/or the COO (or delegate) is final and binding on all parties.

However, the student may pursue further action available to them under Commonwealth or State legislation.

### **External Independent Review**

If the student wishes to appeal the decision of the Appeals Committee or COO, they shall have four (4) weeks to request an external review from the date of the letter notifying the outcome of LEA's decision on their appeal.

An external appeal should only be made after all internal appeal processes under this policy have been addressed. However, at any part in the complaints or appeals process the student may refer the matter to an external agency.

All students may request mediation or an external review through the *Resolution Institute* <https://www.resolution.institute/>

A student Mediation Scheme Information Kit can be obtained from the *Resolution Institute*, currently to be found at following link: <https://www.resolution.institute/resolving-disputes/tertiary-student-au>

No further appeals shall be accepted after mediation.



Please note that applying for an external review with the *Resolution Institute* shall incur a fee that shall have to be paid by the person appealing a decision. For details on the fees, students should contact the *Resolution Institute*.

Students may also want to contact the *Tertiary Education Quality and Standards Agency* (TEQSA) for certain types of complaints. More information can be found currently at <https://www.teqsa.gov.au/complaints>.

International Students may also contact the *Overseas Student Ombudsman* (<http://www.ombudsman.gov.au/How-we-can-help/overseas-students>).

If the external appeal agency contacts LEA, then during the duration of the external appeal the student shall not be reported to the Department of Home Affairs nor have their enrolment cancelled until the process has been completed or the student withdraws their external appeal. Students should note that their visa may be affected in the event that their Confirmation of Enrolment (CoE) lapses during the period of external appeal.

The parties shall agree to be bound by the external independent mediators' recommendations and LEA shall ensure that any recommendations arising from the decision shall be implemented as soon as practical.

LEA shall advise the student of all preventive or corrective actions taken as required in the decision made by the external reviewer.

## Compliance

All relevant staff, and all students at LEA are required to comply with this policy and its procedures, and with related policies and respective procedures. Non-compliance may result in disciplinary action.

<b>File Number</b>	LEA- GEN-COR-70055-D
<b>Responsible Officer</b>	Chief Executive Officer
<b>Contact Officer</b>	Student Experience Manager
<b>Legislative Compliance</b>	<ul style="list-style-type: none"><li>• <i>Higher Education Standards Framework (Threshold Standards) 2015</i></li><li>• <i>Australian Qualifications Framework (2013)</i></li><li>• <i>Tertiary Education Quality and Standards Agency Act 2011</i></li></ul>
<b>Supporting Documents</b>	<ul style="list-style-type: none"><li>• <i>Student Grievances, Complaints and Appeals Procedure Flowchart</i></li></ul>
<b>Related Documents</b>	<ul style="list-style-type: none"><li>• <i>Academic Integrity and Misconduct Policy</i></li><li>• <i>Course Development and Approval Policy and Procedures</i></li><li>• <i>Course Review and Continual Improvement Policy and Procedures</i></li><li>• <i>Examinations Policy</i></li><li>• <i>Moderation Policy and Procedures</i></li></ul>





<b>Superseded Documents</b>	
<b>Effective Date</b>	1 January 2022
<b>Next Review</b>	3 years from the effective date

## Definitions

**Appeals:** Process whereby a student or a person disputes a decision made by LEA as a result of a formal written complaint.

**Appeals Committee:** Committee of the Academic Board that is responsible for monitoring the quality and adequacy of assessment of student learning and outcomes and conferral of authorised certification for qualifications at LEA.

**Chief Operating Officer:** Provides leadership and management of the operations of the LEA, coordinates the implementation of programs and campus collaboration, within the broad parameters of LEA's strategic directions.

**Complaint:** An expression of dissatisfaction by a student or person, as outlined in the scope of this policy, involving a formal process for resolution to distinguish them from matters that are resolved informally.

**Grievance:** A "cause for complaint, especially of unjust treatment". For a matter to be considered a grievance, there has to be an element of unfairness involved and are typically minor issues that are suitable to be addressed informally.

## Review Schedule

This policy shall be reviewed by the Academic Board every 3 years.

Version History			
Version number:	Approved by:	Approval Date:	Revision Notes:
1.0	Academic Board	17/12/2020	New policy