C110 Student Complaints and Appeals Procedure

Policy Category	Operational	
Responsible Officer	General Manager	
Review Date	August 2024	
Related documents	Academic Integrity Policy Student Code of Conduct Student Complaints and Appeals Policy	
Version	**Authorised by**	**Approval Date**
2.8	Executive Management Team	07/05/22

1. Context

This Procedure implements the Australian Institute of Business Intelligence's (the 'Institute'/AIBI HE) *Student Complaints and Appeals Policy*.

The rules of procedural fairness apply to this Procedure to provide a free, fair, transparent and confidential internal complaints and appeals process resulting in objective and unbiased decisions from the Institute on matters which could affect a student's interests.

2. Definitions

Academic matters: issues pertaining to courses and subjects, excluding marks and grading but including course structure, pathways, subject content, learning outcomes, teaching quality, learning resources, academic staff conduct. Appendix 1 provides common objects of complaints and appeals.

Academic staff: a full-time, part-time or casual employee engaged in, or overseeing, teaching and assessment of courses at the Institute.

Stakeholder: any person appointed or engaged by the Institute to perform duties or functions for the institution other than students and staff, and including members of advisory committees and governing bodies, contractors, consultants, and agency staff.

Appeal: a formal request from a student to review and change a decision made by the Institute on a case to which they were a party.

Assessment: a process to determine a student's achievement of identified learning outcomes and may include a range of written and oral methods and practice or demonstration.

Compelling or compassionate circumstances: circumstances beyond the control of the student and which will have an impact upon the student's progress or wellbeing.

Complaint: an expression of dissatisfaction made to the Institute in relation to its operations for which a resolution has not been reached in first instance and where a response or specific action from the Institute is expected or required. A complaint is considered informal during preliminary discussions with the Institute and becomes formal when early resolution mechanisms have failed.

Examination: an assessment task which is time-limited and conducted under invigilation.

Extenuating circumstances: factors reducing the gravity of a wrong, fault or breach.

Overseas student: a student who is not a domestic student and who may hold a student visa and is protected by the ***Education Services for Overseas Students Act 2000*** legislative framework.

Grade: the result awarded for each subject attempted. Refer to the *Assessment Policy* for grades awarded by the Institute.

Mark: the result of an individual assessment and is expressed in numerical form.

Mediation: A settlement of a dispute or controversy by setting up an independent person between two contending parties in order to aid them in the settlement of their disagreement.

Non-academic matters: issues not addressed under academic matters, including fees and refund, professional staff conduct, and general facilities. Appendix 1 provides common objects of complaints and appeals.

Provider Registration International Student Management System (PRISMS): a secure database owned and maintained by the Department of Education and Training for the purposes of administering the *Education Services for Overseas Students Act 2000*.

Subject: a component of study that, along with other components, make up a course.

3. Scope

This Procedure applies to all Institute staff, stakeholders, current students or people who have completed an application to enrol as a student (included wherever "students" are referred to in this Procedure).

4. Procedure

There are four stages in the complaint and appeal process with each stage representing an increase in the level of formality with which the complaint or appeal is managed, i.e. informal complaint (section 3.1), formal complaint (section 3.2), formal internal appeal (section 3.3), and formal external appeal (section 3.4).

At any stage of the process:

- Students may request to be accompanied and assisted by a third party of their choosing for moral support (e.g. family member, friend, or other student) or for advocacy support (e.g. medical or legal representative)
- Students may request to withdraw their complaint or appeal; and
- Students may request reasonable adjustments to, or assistance with, the complaints and appeals process; and
- Students can access independent professional advice, advocacy and other support (e.g. legal and personal counselling). For list of external agencies who can advise on legal matters, refer to 3.4.2. Personal counselling support is offered to the Institute students by the Australian College of Applied Psychology, which provides a free and confidential service to students throughout their enrolment at the Institute, with referrals arranged by Student Services exclusively.

Requests for review of individual assessment marks or subject grades are handled as formal complaints under the four-stage process. Refer to Section 4 of this Procedure for more information.

Students seeking to appeal a decision made by the Institute can refer to section 3.3 and section 3.4 of this Procedure.

4.1. Informal complaint

3.1.1 Raising an issue

Students who are dissatisfied any aspect of the Institute's operations, including academic matters, should in the first instance discuss the issue with the relevant the Institute staff within 10 working days of the appearance of the concern. If the issue relates to a specific Institute staff member or its area of responsibility (e.g. Lecturer), the student should contact the specific staff member in person or via email. If the student feels that the staff member has a substantial conflict of interests in the matter, the student may prefer to discuss the matter with Student Services or another staff member. It is advisable not to discuss informal complaints relating to academic matters with the Course Coordinator, as they will handle complaints that progress to the formal complaints. Likewise, it is advisable not to discuss informal complaints relating to non-academic matters with the Registrar.

3.1.1 Assessing the issue

Institute staff will assess the issue and, if assessed to be serious, will advise the student to lodge a formal complaint. Staff may consult with other academic and corporate staff for assessing and resolving the issue.

3.1.2 Responding to the issue

Where possible, any issue should be resolved immediately or no later than 10 working days of the student's first raising the issue. Staff should provide a clear response to the student.

The staff member responding to the complaint will create a record of the complaint and the response provided to the student.

If the student is satisfied with the response at this stage, no further action under this Procedure is required.

If the student is dissatisfied with the Institute's response, the Institute will provide the student with information on his or her options under the Procedure and associated Policy, including a copy of thereof.

3.2 Formal complaint

3.2.1 Lodging a formal complaint

The student should lodge a formal complaint with the Institute within 10 working days of the appearance of the concern or last meeting where the student and the Institute failed to reach an informal resolution on the matter. Requests for reviewing a mark should be lodged within five days of the mark being released.

The student should ascertain as far as possible whether the matter is academic or non-academic (as per definitions in section 2).

The student must make the complaint in writing via email (info@aibihe.edu.au):

- For academic matters, to the Academic Dean; and
- For non-academic matters, to the Registrar.

The student should provide the following information:

a) nature and grounds for the complaint;
b) whether or not he or she has met with the Institute to discuss the matter, and if not, the reasons for not doing so;
c) copies of written communications, or summary of discussions, with the Institute staff that took place with regards to the matter (if applicable);
d) outcomes of the informal complaint (if applicable);
e) why the matter was not resolved to his or her satisfaction (if applicable); and
f) evidence that supports the complaint (where available).

3.2.2 Assessing a formal complaint

The Institute will acknowledge receipt of the complaint and assessment of the complaint will commence not later than 5 working days after reception of the complaint.

The Academic Dean or Registrar (for academic and non-academic matters, respectively) may investigate or designate any staff member, at the same organisational level or lower, who has not had prior involvement in the case, to assist with the investigation.

The Academic Dean or Registrar (for academic and non-academic matters, respectively) may:

- consult with relevant academic and corporate staff at the same organisational level or lower, as well as students of the Institute, on matters pertaining to the case; and
- request the student to meet with them in person or via teleconference to discuss the case.

3.2.3 Responding to a formal complaint

The Institute will respond to the student in writing as soon as is reasonably practicable but not later than 10 working days after receipt of the student's complaint.

The response will provide the following information:

a) decision on the case, including any remedies and recommendations;
b) reasons supporting the decision, including any relevant findings from the investigation;
c) options for appealing the decision; and
d) a copy of this Procedure and the associated Policy.

If the student is satisfied with the response to the complaint, the Institute will immediately implement any action arising from the response. The Procedure is closed once the student is advised of the completion of the actions arising from the response.

If the student is dissatisfied with the response to the complaint, he or she may lodge an appeal with the Institute.

3.3 Formal internal appeal

3.3.1 Lodging an internal appeal

Students wishing to lodge an appeal with regards to any decision made by the Institute should do so within 20 working days of receipt of the Institute's decision.

The student must lodge the appeal in writing via email (info@aibihe.edu.au) to the General Manager both for academic and non-academic matters.

The student should provide the following information:

a) nature and grounds for the appeal;
b) copies of written communications, or summary of discussions, with the Institute staff that took place with regards to the matter (if applicable);
c) date of the initial decision;
d) outcomes of the informal complaint process (if applicable);
e) why the matter was not resolved to his or her satisfaction (if applicable); and
f) evidence that supports the appeal (where available), which may include new evidence.

3.3.2 Assessing an internal appeal

The Institute will acknowledge receipt of the appeal and assessment of the appeal will commence no later than 10 working days after reception of the appeal.

The General Manager may designate any staff member who has not had prior involvement in the case to assist with the investigation.

The General Manager establishes an Appeals Committee to review the findings of the investigation and decide on the case. The Appeals Committee will be composed of the senior management staff. The Institute staff materially involved in the resolution of the matter in previous stages may not be part of the Appeals Committee. Should the appeal relate to the quality of teaching and learning, the Appeals Committee will seek the input of an independent external disciplinary expert.

The Appeals Committee or any staff designated to be involved in the investigation may

- consult with relevant academic and corporate staff, as well as students of the Institute, on matters pertaining to the case; and
- request the student to meet with the Appeals Committee in person or via teleconference to discuss the case.

3.3.3 Responding to an internal appeal

The Institute will respond to the student in writing as soon as is reasonably practicable but not later than 10 working days after receipt of the student's appeal.

The response will provide the following information:

a) outcome of the review, including any remedies and recommendations, and whether the decision:
    - confirms the original decision;
    - varies the original decision, stating the details of the variance; or
    - sets the decision aside and substitute a new decision, stating the new decision;
b) reasons supporting the decision, including any relevant findings from the investigation;
c) options for appealing the decision; and
d) a copy of this Procedure and the associated Policy.

If the student is satisfied with the response to the complaint, the Institute will immediately implement any actions arising from the response. The Procedure is closed once the student is advised of the completion of the actions arising from the response.

If the student is dissatisfied with the response to the appeal, he or she may lodge an appeal with an independent third party.

Students should note that, in most cases, the purpose of the external appeals process will be to consider whether the Institute has followed its policies and procedures in conducting the internal complaints and appeals process.

Overseas students should note that, except for unsatisfactory progress, the Institute is obliged to notify the Department of Education and Training and the Department of Home Affairs of any suspension, deferral or cancellation of their enrolment regardless of any pending external appeals process.

The Institute will report an overseas student in PRISMS for unsatisfactory progress after:

- the overseas student has chosen not to access the internal complaints and appeals process within 20 working days;
- the overseas student has chosen not to access the external complaints and appeals process; or
- the overseas student withdraws from the internal or external appeals process by notifying the Institute in writing.

3.4 Formal external appeal

Students are strongly encouraged to complete all internal steps to resolve their complaint before making external complaints or appeals. However, at any point, the student may

decide to refer the matter to an independent third party for mediation or review (refer to sections 3.4.1 to 3.4.3). If the Institute receives notification that a complaint under consideration internally is the subject of formal external enquiry or legal action, the internal resolution process will be suspended until the external action is completed. However, in cases of formal complaints involving sexual harassment and sexual assault, making a police report will not stop the Institute from acting on the formal complaint, or issuing an outcome to that complaint.

If a student believes that the outcome of their internal appeal is unfair or incorrect, they may lodge an external review or complaint with an independent third party, and seek a resolution via:

- independent mediation and/or;
- external agencies and/or;
- formal external appeal.

All students are encouraged to continue their studies during any external appeal process unless advised otherwise.

3.4.1 Independent mediation

Students can seek external mediation in resolving an unfair or incorrect decision taken by the Institute by accessing the Resolution Institute's *Student Mediation Scheme*. To begin the process, download and complete the *Student Application for External Review Form*, and lodge the Form with the Resolution Institute. The Form needs to note that you are a student of the Institute. Students are advised to inform the General Manager via email (info@aibihe.edu.au) that they wish to proceed with mediation via the Resolution Institute's *Student Mediation Scheme*. The Resolution Institute will then liaise with you and the Institute to facilitate the mediation. All costs associated with the Student Mediation Scheme will be covered by AIBI HE.

External mediation is another means to resolve a student's complaint but does not guarantee a resolution. If the student is dissatisfied with the outcome of the process, they can refer the complaint to the relevant external agency (refer to section 3.4.2) or to an independent external reviewer (refer to section 3.4.3).

3.4.2 External agencies

Students can seek external review of a decision taken by the Institute regarding a formal internal appeal by accessing an external agency's complaints and review process. Each agency has its own process; therefore, it is recommended that students contact the agency directly or visit their website. Students are advised to inform the General Manager via email (info@aibihe.edu.au) that they wish to proceed with an external review by an external agency.

The following table provides a list of external agencies, matters they address and links to their website.

	Subject of the complaint	**External Agency**
National	Discrimination, sexual harassment, victimisation, vilification	Australian Human Rights Commission

	Privacy breach	Office of the Australian Information Commissioner
	Complaints from overseas students (e.g. Intention to Report)	Overseas Student Ombudsman
	Compliance with the: • Higher Education Standards Framework (HES Framework) • Education Services for Overseas Students Act (ESOS Act) • National Code of Practice for Providers of Education and Training to Overseas Students (National Code).	TEQSA TEQSA cannot accept complaints about: • matters of academic judgement, such as examination results • requests for providers to re-mark work • issues concerning visas • problems that the provider has already rectified.
	Refunds (domestic students in FEE-HELP enabled courses)	Administrative Appeals Tribunal
New South Wales	Refunds (domestic students in non-FEE-HELP enabled courses)	NSW Office of Fair Trading
	Discrimination, sexual harassment and vilification	NSW Anti-Discrimination Board
	Safety of campuses	SafeWork NSW
	Privacy breach and refunds	NSW Civil and Administrative Tribunal (NCAT)

All costs associated with accessing the service of the external agencies noted above will be covered by the Institute.

3.4.3 Formal external appeal

3.4.3.1 Overseas students

Overseas students may lodge a formal external appeal regarding **non-academic matters or decisions** taken by the Institute with the Office of the Commonwealth Ombudsman. Administrative actions and decisions include:

- refusing admission to a course;
- fees and refunds;
- course or provider transfers;
- cancellation of enrolment;
- incorrect advice given by an education agent; and
- failure to act or taking too long to take some action, like not providing your results in the normal timeframe, or not providing services included in your written agreement with the provider.

The Office of the Commonwealth Ombudsman offers a free, independent and impartial Australian government service for overseas students. For further details, including online complaint process, refer to the website of the Office of the Commonwealth Ombudsman. Students who decide to access this service, are encouraged to notify the General Manager (info@aibihe.edu.au).

Overseas students may lodge a formal external appeal regarding **academic matters or decisions** with Independent Higher Education Australia (IHEA). Educational quality issues include:

- credit for prior learning decisions;
- enrolment and progression;
- subject content, teaching and learning resources and assessments;
- assessment results and subject grades;
- teaching quality;
- resources and facilities; and
- qualifications and experience of teachers.

Refer to details about lodging an appeal with IHEA under 3.4.3.2.

If an overseas student decides to pursue a complaint or internal appeal with an external agency with respect to an **unsatisfactory course progress**, the student must notify the General Manager (info@aibihe.edu.au) of their intention within 10 working days of the notification of the internal review (appeal) decision. If the student fails to notify the General Manager, the Institute will proceed to report the cancellation of their enrolment to the Department of Home Affairs (DHA).

3.4.3.2 Domestic and overseas students

Domestic and overseas students may lodge a formal external appeal with Independent Higher Education Australia (IHEA). The Institute is a member of IHEA, and students of the Institute have access to IHEA's external grievance resolution service. Domestic students will have access to this service for **academic and non-academic matters.** Overseas students will have access to this service for **academic matters**, as noted in 3.4.3.1. Students who decide to access this service, are encouraged to notify the General Manager (info@aibihe.edu.au).

To lodge a formal external appeal, contact IHEA directly by phone, email or online enquiry form https://ihea.edu.au/contact/. A representative at IHEA will then provide you with details of the process and information you need to provide. IHEA will also contact the Institute and request details of the complaint, the process applied by the Institute to date, decisions to be reviewed.

IHEA will appoint an external reviewer with an appropriate background who is acceptable to the complainant and the Institute. This person may be a retired academic, higher education administrator and/or practitioner.

The complainant will not, at any stage in the procedure, in any way be discriminated against or victimised, and in any meeting may be accompanied and assisted by a third party of their choosing.

The IHEA appointed reviewer must make a determination and advise the complainant and the General Manager within 30 days, providing in writing the reasons and rationale for the any decisions and/or actions to be taken.

This service offered by IHEA will come at no cost to students.

3.4.4 Following up on the outcome of the external appeal

The Institute will implement all recommendations arising from the outcome of a formal external appeal within the timeframe specified by the external appeal mechanism. Alternatively, if a timeframe is not specified, all recommendations will be immediately implemented by the Institute and the student advised of the action taken.

Any decision from the Institute to suspend, defer or cancel an overseas student's enrolment due to unsatisfactory progress that is overturned through an external appeals process will not be reported in PRISMS.

The Procedure is closed once the student is notified of the completion of the actions arising from the outcome of the formal external appeal mechanism. Students may continue to access multiple external appeals, but the Institute is not obligated to assist the student with finding further appropriate appeals processes.

4 Complaints and Appeals Relating to Assessment Marks and Subject Grades

Requests for reviewing assessment marks or subject grades are considered formal complaints under the four-stage process.

4.4 Review of an assessment mark

Students who feel dissatisfied with how an assessment was marked may apply for a review of the mark by lodging a request in writing with the Course Coordinator within five days of the mark being released.

It is expected that students discuss their concerns with the relevant Lecturer before lodging a formal request for reviewing an assessment.

The Course Coordinator will assess the request and arrange for a re-mark by a second marker if appropriate. If the student is still dissatisfied with the response to his or her request, the Course Coordinator will advise on the process for appealing the decision.

An internal appeal of a re-mark will not consist in marking the assessment a third time but will involve a review of the re-mark by the Appeals Committee.

Appendix 3 provides an overview of the process for individual assessment reviews.

Refer to the *Assessment Policy* for more information on assessments and on compassionate or compelling circumstances applicable to assessment mark reviews.

4.5 Review of a subject grade

Students who are dissatisfied with a grade they have been awarded may request that the grade be reviewed by lodging a request in writing to the Dean.

The grade review process is handled as any other formal complaint about an academic matter under Section 3 of this Procedure. Appendix 4 provides an overview of the process for grades review.

Refer to the *Assessment Policy*, which can be accessed from the Institute's website, for more information on grades and on compassionate or compelling circumstances applicable to grade reviews. Refer to the *Academic Progression Policy*, which can be accessed from the Institute's website, for further information on awarding grades.

5 Recordkeeping and Access to Records

Records of complaints and appeals and their outcomes will be kept strictly confidential, filed in a separate personal file, and stored securely.

The complainant may, under adequate supervision, access all documents held by the Institute concerning his or her complaint or appeal. Details regarding accessing these documents are included in the Institute's *Privacy Policy*.

The Dean maintains a *Register of Formal Complaint and Appeal Cases* that records relevant information about formal complaints and appeals for access by authorised staff and relevant Commonwealth and State government agencies if required to do so in their normal work undertakings.

The Institute's Corporate Board receives regular reports on complaints and appeals and ensures that systemic issues are addressed.

6 References

Education Services for Overseas Students Act 2000 (Cth)

Higher Education Standards Framework (Threshold Standards) 2021

National Code of Practice for Providers of Education and Training to Overseas Students 2018, Standards 6, 7, 9, 10

Ombudsman Act 1976 (Cth)

7 Acknowledgements

In developing this Policy, the Institute acknowledges:

- TEQSA Guidance Notes: Grievance and Complaint Handling;
- Department of Education and Training, National Code 2018 Factsheet: Standard 10;
- AS/NZS 10002:2014 Guidelines for complaint management in organizations;
- Commonwealth Ombudsman, Better Practice Guide to Complaint Handling;
- TEQSA, Explanations of terms in Part A of the HES Framework 2021; and
- Good Practice Guide for Handling Complaints and Appeals in Australian Universities.

Document History:

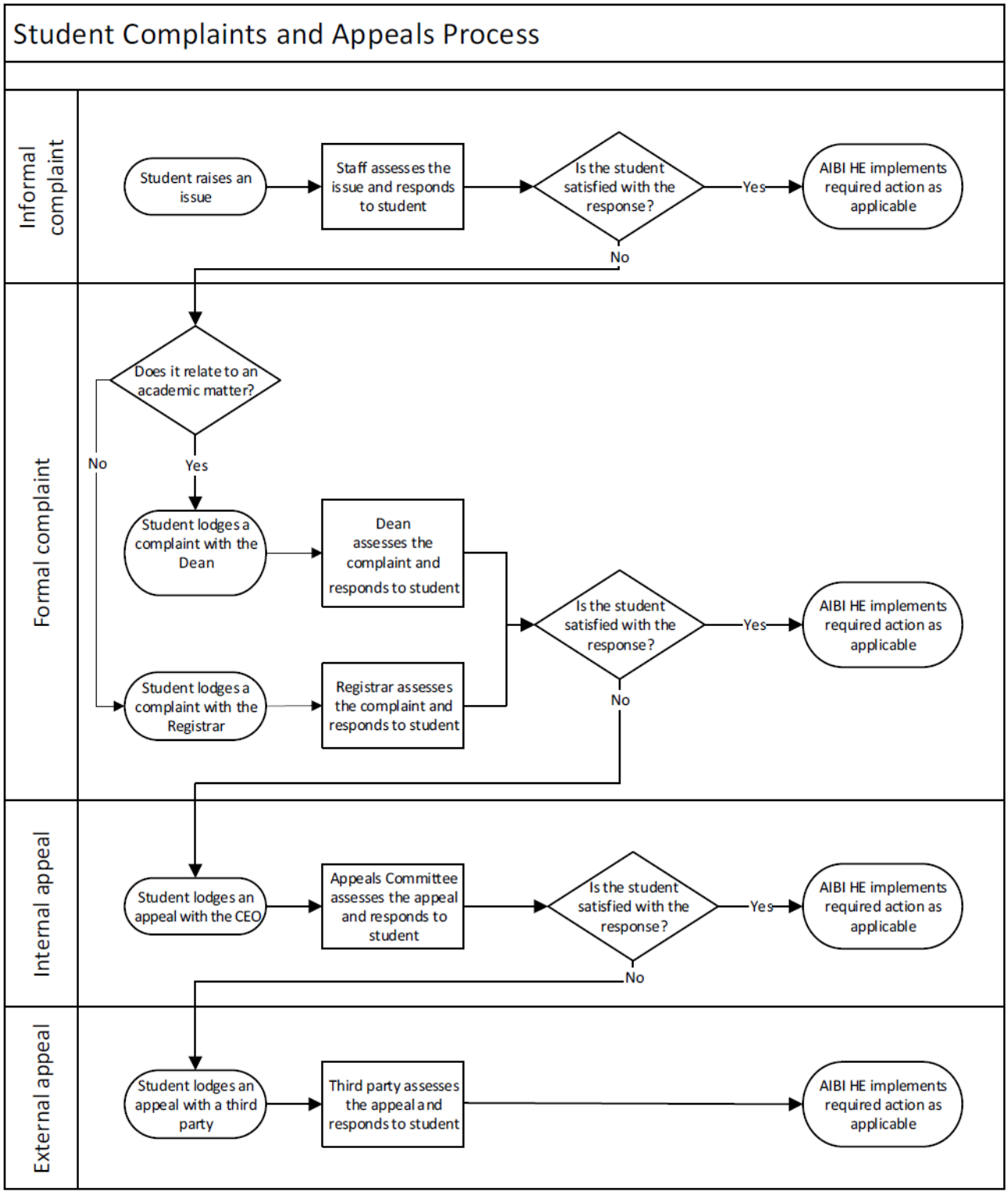
Version	Date	Author	Reason	Sections
0.1	28/05/2018	Julien Marechal	Revised based on the Academic Board' feedback provided at the 16/05/2018 meeting	All
0.2	03/07/2018	Julien Marechal	Revised based on the Academic Board' feedback provided at the 25/06/18 meeting	All
1.0	31/07/2018	Julien Marechal	Revised based on the Academic Board' feedback provided at the 23/07/18 meeting	All
1.1	13/11/2018	Stephen Andrews	Revised based on feedback from the Corporate Board 13/11/18.	3.2.2 re quality of teaching & learning
2.0	08/08/2019	Stephen Andrews	Revised in response to TEQSA feedback and approved by the Academic Board 8/8/19.	3, 3.2, 3.6, 3.7, 3.11, 4.1, 5.1, 5.2, Appendixes
2.1	25/09/2019	Stephen Andrews	Revised in response to TEQSA feedback and approved by the Corporate Board 25/09/19.	2, 3, 3.4.
2.2	02/10/2019	Stephen Andrews	Changed 'professional' to 'corporate' staff to align with Business Plan.	3.1.1, 3.2.2, 3.3.2, Appendix 1
2.3	12/11/2019	Stephen Andrews	Revised in response to FEE-HELP requirements.	3.4.2, 5
2.4	03/12/2019	Stephen Andrews	Amended to reflect IHEA membership is in progress. Included email address.	3.4.3.2 Various.
2.5	06/01/2020	Philippa Ryan	Amended to reflect new trading name 'Waratah Institute'.	All
2.6	19/03/2020	Stephen Andrews	Amended to reflect IHEA membership.	3.4.3.2
2.7	24/01/2022	Zoe Williams	Amended to reflect new corporate name Australian Institute of Business Intelligence; abbreviated to the Institute and new logo; and updated references to the Higher Education Standards Framework 2021.	All
2.8	17/01/2024	Ivan Negro	Edits to roles and responsibilities.	All

Appendix 1 – Common objects of complaints and appeals

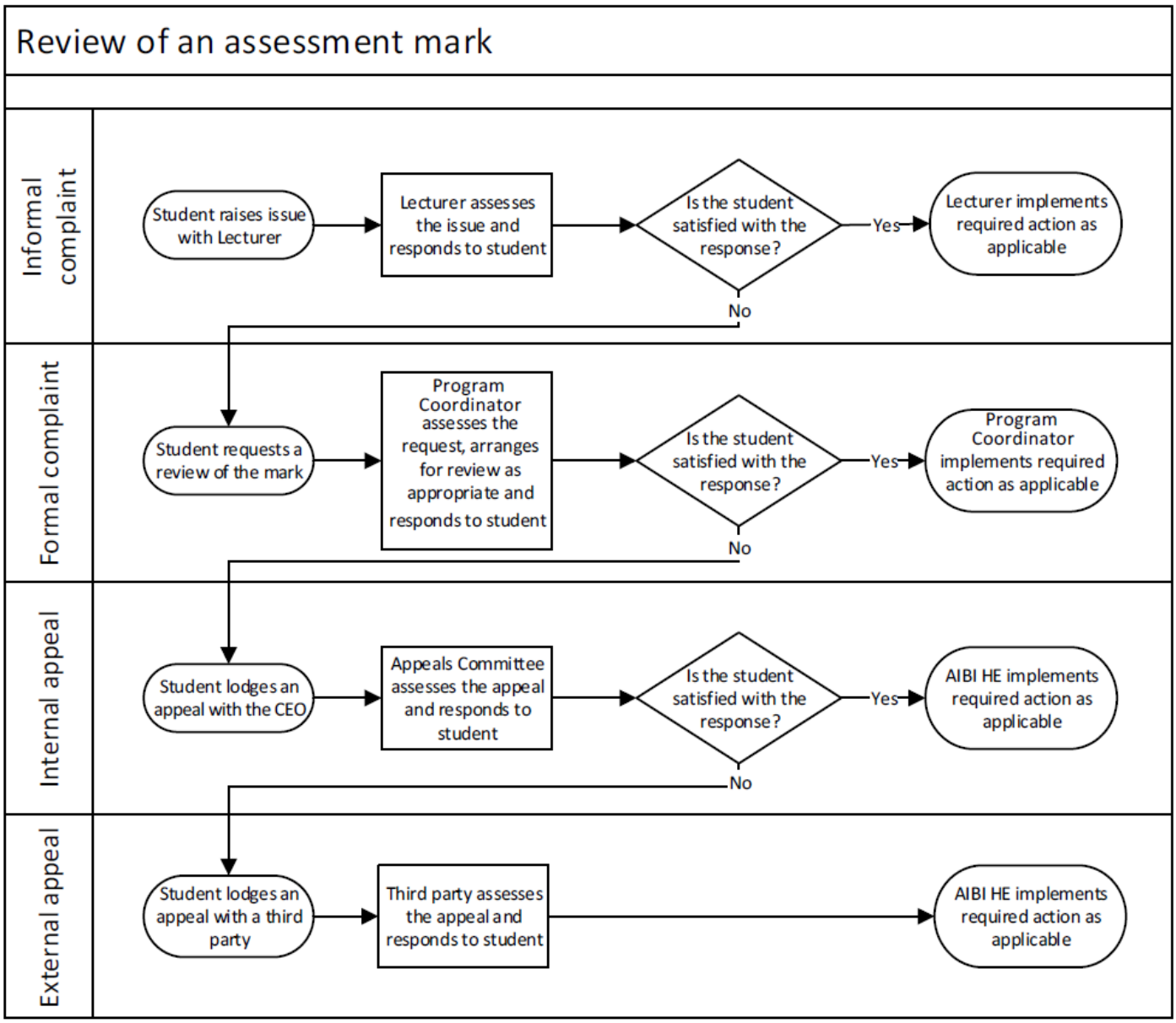
Note: this list is indicative only and does not exclude any unlisted matter to be the object of a complaint or appeal under this Procedure.

Academic matter	Non-academic matter
Admissions	Marketing and promotion
Credit for prior learning	Education agents
Enrolment	Recruitment
Progression	Tuition fees
Assessment	Non-tuition fees
Examinations	Fees refunds
Timetables	Student personal information
Content or structure	Facilities
Subject content and material	Decisions taken by corporate staff
Teaching quality	Discrimination, harassment, bullying
Supervision of practical experience	
Authorship and intellectual property	
Academic integrity	
Awards	
Student Services	
Learning facilities	
Decisions taken by academic staff	

Appendix 2 – Student Complaints and Appeals Process



Appendix 3 – Review of an assessment mark



Appendix 4 – Grades Review Process

