

GRIEVANCES AND APPEALS POLICY AND PROCEDURE

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| Document Owner | CEO | | |
| Responsible Officer | Registrar | | |
| Review Date | 11 July 2024 | | |
| References and Legislation | Tertiary Education Quality and Standards (TEQSA) Act 2011 (Cth); Higher Education Standards Framework (Threshold Standards) 2015; Education Services for Overseas Students Act 2000 (Cth); Education Services for Overseas Students Regulations 2001; The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (The National Code); and the Higher Education Support Act 2003 (Cth) | | |
| Related Documents | Board of Directors Charter; APIC Academic Governance Charter; Academic Integrity Policy; Assessment Policy. | | |
| Version | Change Description | Approved | Effective Date |
| 1.5 | Minor changes to improve clarity Section 10. administrative amendments to improve clarity around the escalation of appeals. | 21 July 2017 | |
| 2.0 | Updated to ensure alignment with National Code 2017 updates | Academic Board 14 June 2018 | 30 June 2018 |
| 3.0 | Title of policy changed to drop leading “Student” so that prospective students not excluded Updated to include agents, third parties and prospective students in the scope Domestic and international students have access to the same external review and international can also choose OSO Change to the independent external reviewer from Resolution Institute to IHEA. | Board of Directors 3 December 2019 | 17 December 2019 |
| 3.1 | Clarification of timeframes for students to appeal | CEO 20 March 2020 | 24 March 2020 |
| 3.2 | Minor clarification changes. Addition of Publication and Training section 8. | CEO 12 June 2020 | 16 June 2020 |
| 3.3 | Amendment to s4.6 Cost of lodging a grievance or appeal and reformatting | CEO 10 September 2021 | 13 September 2021 |
| 3.4 | Minor changes to the job titles and extension of review date | CEO 11 July 2023 | 11 July 2023 |

1. Purpose

- 1.1 APIC places students at the heart of its operations and is committed to providing students with a fair, equitable, and transparent learning environment that ensures

student or prospective student access to grievance and appeal processes that provide for fairness, transparency and accountability.

- 1.2 This Policy and Procedure describes the decision framework for student or prospective student grievances and appeals, including the process for independent external review of decisions made under this policy.
- 1.3 The College is committed to resolving students' or prospective students' grievances with the College and its staff or appeals against decisions made by the College and its staff as quickly and as sensitively as possible.
- 1.4 This Policy aims to assist all parties to resolve complaints, issues and concerns that arise and reflects College expectations as well as the responsibilities of the College, staff and students or prospective students in resolving student grievances and appeals.

2. Scope

- 2.1 This Policy applies to the College, its staff and students, and to persons who may not yet be students but who have demonstrated an intention to enrol as a student at the College (prospective students) who have an academic or administrative grievance or complaint against a decision or determination made by the College, regardless of the campus at which the grievance has arisen, place of residence or mode of study. For international students, this includes grievances and complaints against Education Agents (as defined by the National Code).
- 2.2 The College will ensure that grievances and complaints are dealt with in accordance with the principles of equity and procedural fairness.
- 2.3 The Policy and Procedure set out in this document does not remove the student's or prospective student's right to take further action under Australia's Consumer Protection Laws, nor circumscribe the student's or prospective student's right to pursue other legal remedies.

3. Definitions

| Item | Definition |
|--------------------------------------|---|
| <i>Appeal</i> | An application to reconsider a decision or determination made by the College. |
| <i>Education Agent (Agent)</i> | A person or organisation (in or outside Australia) who recruits overseas students and refers them to education providers. In doing so, the education agent may provide education counselling to overseas students as well as marketing and promotion services to education providers. Education agent does not refer to an education institution with whom an Australian provider has an agreement for the provision of education (that is teaching activities). |
| <i>Formal grievance or appeal</i> | A formal grievance or appeal is usually of the type that cannot be resolved through informal discussion or through seeking clarification and is submitted through the online grievance or appeals form accompanied by any relevant documents as evidence. |
| <i>Grievance</i> | A complaint or concern or expression of dissatisfaction with some aspect of the College or the students experience at the College including, but not limited to, actions, determinations, processes or facilities which are considered unfair, disadvantageous, wrong or inadequate. |
| <i>Informal appeal</i> | An informal grievance or appeal is an appeal directly to the responsible person without submitting the grievance or appeal through the online grievance or appeal form. |
| <i>Onshore international student</i> | An overseas student who is studying in Australia on a student visa. |
| <i>Prospective students</i> | Persons who have demonstrated an intention to enrol as a student in the College including submitting an application but who have not yet been admitted to the College. |

4. Principles

The following principles underpin grievance, complaint and appeal resolution processes against College decisions or determinations.

4.1 Timeliness

It is the College's intention that any grievance or appeal will be dealt with as quickly as possible and normally within the timeframes stated within this Policy.

4.2 Confidentiality

Grievances and appeals will be treated confidentially consistent with the APIC Privacy Policy.

4.3 Without prejudice or disadvantage

4.3.1 Any grievance or appeal will be considered fairly, without prejudice and solely on its merits and the evidence provided. The complainant will not be disadvantaged while the grievance or appeal is in progress, for example, the

student should be allowed to continue enrolment or to attend class. The no disadvantage rule does not apply to the decision reached by the College under this Policy.

- 4.3.2 The enrolment of international students studying in Australia on a student visa will be maintained throughout the student's participation in the internal grievance and appeals process and the College will not report the student to the relevant Australian Government departments unless extenuating circumstances relating to the welfare of the student apply. If the internal appeals process is complete and has supported the College's decision or determination, the College will advise the student within ten (10) working days of the right to access an external complaint handling and appeals process and will give the student appropriate contact details.

4.4 Record-keeping and access to records

- 4.4.1 Records of grievances and appeals and their outcomes will be kept strictly confidential and stored by the Registrar's Office for a minimum of five years.
- 4.4.2 The complainant and/or respondent will have a right to supervised access to all documents held by the College concerning his or her grievance or appeal.
- 4.4.3 The Registrar's Office shall maintain a Register of Grievances and Appeals that records the unique application ID number of the case.

4.5 Independent advice and support

Students or prospective students may, at any time during the grievance or appeals process, seek independent professional advice and support and may be accompanied by a third party at any relevant meeting. This can also include support services arranged by the College.

4.6 Cost

- 4.6.1 There will be no charge to the student through the internal grievances and appeals processes.
- 4.6.2 If a student chooses to have the matter resolved by an external reviewer for resolution, the student or prospective student may be charged for half of any external cost (if applicable) to a maximum of \$100.
- 4.6.3 International students who choose to take their grievance to the Australian Government's Commonwealth Ombudsman service incur no charge.

5. Policy

- 5.1 Students or prospective students with the College may raise a grievance or appeal a decision or determination of the College under this Policy.

- 5.2 The College will promote and maintain an environment where students or prospective students feel empowered to raise grievances or appeal a decision or determination and have such grievances addressed by the College or its agents in a respectful, responsible and timely manner.
- 5.3 There will be no charge for accessing internal grievance stages and, if the matter is escalated to the external appeal stage the cost will be capped at \$100.
- 5.4 The College aims to ensure that students, prospective students and staff involved in a grievance or appeal resolution process under this Policy are not subjected to any form of victimisation or discrimination and their matter is dealt with fairly and without prejudice.
- 5.5 Grievances and or appeals, along with any evidence, are considered directly and confidentially by the appropriate staff member or committee members as identified under the procedures section of this Policy.
- 5.6 The staff members will review the matter confidentially and respond directly in writing to the student concerned clearly stating the outcome of the consideration, the reasons for the decision and the process to follow in case the student would like to appeal the decision. The timeframes that apply to the grievances or appeals and the responses will be according to the procedure section below.
- 5.7 Throughout the grievances or appeals process and at each stage of the process:
 - i) the complainant or appellant has the right to be represented and or accompanied at any relevant meeting by a third party;
 - ii) the complainant or appellant is given a full explanation in writing for decisions and actions taken as part of the procedures.

6. Procedure

6.1 Time limitations

Grievances and appeals under this Policy will only be considered under this Policy within three months of cessation of enrolment whether through withdrawal or exclusion or for prospective students, three months from the date of the decision or determination relating to the grievance or appeal.

6.2 Informal Internal Grievance or Appeal

- 6.2.1 The College believes it is preferable, but not necessary, that any grievance or appeal be resolved informally between the parties before submitting a formal grievance or appeal through the online form. These include minor issues that can be addressed easily, for example, through discussion or by seeking clarification.
- 6.2.2 The College encourages the student or prospective student to take their grievance or appeal directly to the staff member who is responsible for

the matter or issue with a view to arriving at a mutually agreeable resolution. Students or prospective students may contact the staff member in person, via email using the staff member's College email address or by phone.

- 6.2.3 This informal process should be initiated within ten (10) working days of the matter or issue to which the grievance or appeal refers.
- 6.2.4 The staff member should resolve the informal grievance or appeal no later than ten (10) working days after the receipt of the grievance or appeal.
- 6.2.5 The student or prospective student is responsible for ensuring when entering this informal process that they make clear the nature and grounds of the academic grievance or complaint and, where applicable, provide evidence to support any claims.

6.3 Formal Internal Grievance or Appeal to the Registrar

- 6.3.1 A student or prospective student can make a grievance or appeal a decision or determination submitted a [Grievance Form](#) or the [Appeals Form](#) on the website [Policies and Forms](#) page.
- 6.3.2 The formal grievance or appeal must be submitted online within 10 working days except in the case of provider (APIC) initiated deferral, suspension or cancellation in which case the student or prospective student will have 20 working days to submit the appeal or grievance from the date of notification to the student.
- 6.3.3 The grievance or appeal will be considered by the Registrar (or delegate) within ten (10) working days of the receipt of the student application. This may be done as a first step or if the student or prospective student is not satisfied with the result of the informal process.
- 6.3.4 The submission through the online form should clearly state:
 - The background to the grievance or appeal
 - The exact grievance or nature of the appeal
 - What steps have been taken to address the grievance or appeal (if applicable) including dates
 - A brief description of how the matter can be resolved from the point of view of the student
- 6.3.5 The Registrar (or delegate) will consider and, if necessary, investigate the case presented and may:
 - a) designate any staff member, who has not had prior involvement in the case, to assist with the investigation,
 - b) form a working party to investigate and report on the matter,

- c) consult with relevant academic and administrative staff as well as students of the College on matters pertaining to the case, and/or
- d) request the student or prospective student to meet with them in person or via telephone, teleconference to discuss the case or email if the prospective student is overseas.

6.3.6 The Registrar (or delegate) will respond directly in writing to the student or prospective student concerned no later than ten (10) working days after the receipt of the grievance or appeal provided all required documentation has been submitted. The written document will state the outcome of the complaint including details of the reasons for the outcome.

6.3.7 For grievances regarding sexual harassment or sexual assault please refer to the information on the website under Current Students for options available for support and reporting including contacting dedicated staff. The information is at the following [link](#).

6.4 Formal Internal Appeal to the APIC Appeals Committee

6.4.1 If the student or prospective student is not satisfied that their grievance or appeal has been resolved after the first formal stage, they may appeal in writing to the APIC Appeals Committee via the online forms (as above) within ten (10) working days of the receipt of the formal grievance or appeal decision or determination. The grievance or appeal will automatically be escalated to the APIC Appeals Committee.

6.4.2 The appeal to the APIC Appeals Committee must contain evidence that the matter has not been dealt with properly or state the reason or reasons the matter should be reviewed by the APIC Appeals Committee such as new information or evidence that was not considered previously.

6.4.3 The APIC Appeals Committee will consider all the documentation presented to it and, once a decision has been finalised, will provide the student with a written statement of the outcome, including details of the reasons for the final decision.

6.4.4 The APIC Appeals Committee will respond directly to the student concerned in writing no later than ten (10) working days after the receipt of the grievance or appeal. The written document will state the outcome of the complaint including details of the reasons for the outcome.

6.5 External Grievances and Appeals Processes

6.5.1 If the student's or prospective student's grievance or appeal remains unresolved following consideration by the APIC Appeals Committee, the

student or prospective student may request a resolution through an external independent reviewer.

- 6.5.2 Students or prospective students can request external independent resolution through [Independent Higher Education Australia \(IHEA\)](#). The student or prospective student can contact IHEA directly or through the [Registrar's Office](#) within ten (10) working days of the APIC Appeals Committee decision.
- 6.5.3 The costs of the external review (if any) will be shared equally by the student and by Asia Pacific International College, however, the student contribution will be limited to a maximum of \$100. IHEA will only consider appeals when all internal formal appeals processes have been exhausted.
- 6.5.4 Onshore international students can also choose to request a free and independent external review service through the [Overseas Students Ombudsman](#). The Overseas Students Ombudsman may not be able to cover all areas that may be at issue in the grievance or appeal.
- 6.5.5 APIC will give due consideration to any recommendation(s) arising from external review within thirty (30) working days of receipt of the recommendations. The APIC Appeals Committee will be responsible for ensuring that any recommendation(s) received are fully implemented.
- 6.5.6 If a student remains dissatisfied with the outcome of an external resolution, they may take up the matter with an external agency such as the [Anti-Discrimination Board of NSW](#), [NSW Fair Trading](#), the [Victorian Equal Opportunity & Human Rights Commission](#), or [Consumer Affairs Victoria](#).