

STUDENT COMPLAINTS AND APPEALS POLICY AND PROCEDURE

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| <p>1. Policy Statement</p> | <p>Navitas Professional Institute Pty Ltd t/as Australian College of Applied Professions (ACAP) is committed to providing a collaborative and collegial environment including undertaking all necessary actions to resolve complaints and appeals in a consistent, fair, transparent and timely manner. For the purposes of communicating to and training staff, the application of this Policy and Procedure will form part of the staff induction process. This Policy and Procedure is made available on the ACAP website and is referred to in all student orientation sessions.</p> |
| <p>2. Purpose</p> | <p>To demonstrate a clear commitment to the receipt and proper processing of all complaints and any subsequent appeals relating to ACAP’s operations.</p> |
| <p>3. Scope</p> <p><i>(HESF 2021: 7.2.f)</i></p> <p><i>(NC 2018: 3.3.7)</i></p> <p><i>(PG 2012: 4.1.1.a)</i></p> <p><i>(RTO Standard 6.1, 6.2)</i></p> | <p>The policy applies to students enrolled with or intending to enrol with ACAP, irrespective of their place of residence, campus or mode of study.</p> <p>Complaints and appeals include, but are not restricted to, a person’s expression of dissatisfaction with any aspect of ACAP’s services and activities, including both academic and non-academic matters, such as:</p> <ul style="list-style-type: none"> ● The enrolment, induction and orientation process ● Matters of concern to a student relating to learning and teaching, including delivery and assessment processes and student progression ● Quality of/access to ACAP services, materials, administration and processes, including an issue about one of ACAP’s education agents or anyone that ACAP has an arrangement with to deliver its courses or any related services ● Ethical and integrity issues, unfair treatment including discrimination, harassment, victimisation, vilification and bullying; or ● Handling of personal information and access to personal records. <p>The following matters are not considered by this Policy and Procedure in the first instance, however outcomes related to the following decisions may be appealed via this policy and procedure. These matters include:</p> <ul style="list-style-type: none"> ● Decisions on a grade ● Decisions regarding refunds or fee remission under special circumstances ● Decisions made under the Student Code of Conduct ● Decisions to issue a student with an intention to exclude or intention to report due to unsatisfactory progression ● Where a student complaint includes allegations of sexual assault or sexual harassment, these matters are to be dealt with under ACAP’s Sexual Assault and Sexual Harassment Disclosures, Prevention and Response Policy. |

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| <p>4. Associated Policies and Procedures (HESF 2021: 7.2.f) (NC 2018: 3.3.7)</p> | <p>This Policy and Procedure should be read in conjunction with the following policies and procedures:</p> <ul style="list-style-type: none"> ● Assessment Policy ● Student Code of Conduct ● Equity, Diversity and Inclusion Policy ● International Student Transfer Between Registered Providers Policy ● Sexual Assault and Sexual Harassment Disclosures, Prevention and Response Policy |
| <p>5. Associated Documents (HESF 2021: 7.2.f) (NC 2018: 3.3.7)</p> | <p>This Policy and Procedure should be read in conjunction with the following documentation:</p> <ul style="list-style-type: none"> ● ACAP Complaints and Appeals Form ● Student Handbook |
| <p>6. Policy and Procedure (HESF 2021: 2.4) (NC 2018: 3.4.5, 6.1.6, 7.5.2, 7.6, 8.13.3, 8.14, 9.4.2, 10.1-4) (PG 2012: 4.1.1.a, 4.5) (RTO Standard 6.3, 6.4, 6.5)</p> | <p>6.1 Introduction</p> <p>This Policy and Procedure does not give rise to legal rights, or obligations on ACAP to pay compensation either in respect of a decision made pursuant to them or for a breach of them. This Policy and Procedure is intended to facilitate the resolution of informal and formal complaints and appeals brought to the attention of ACAP. It is recognised that in some instances students may choose to make a complaint anonymously. While complaints reported anonymously are taken seriously and recorded, it may not be possible to investigate, provide a decision or take action where the source of the complaint is unknown.</p> <p>This Policy and Procedure applies to all students, whether prospective, deferred, current or graduands. Any complaints and appeals should be raised as soon as possible after the complainant becoming aware of the issue.</p> <p>Complaints and appeals will be managed in accordance with the principles of procedural fairness including:</p> <ul style="list-style-type: none"> ● Decisions and processes are free from bias and conflict of interest ● The respondent is provided with the details of the allegation/s made against them and is given a proper opportunity to respond before a decision is made ● Staff responsible will make reasonable inquiries or investigations before making a decision without unnecessary delay ● All parties are informed of the decision and the reasons for the decision ● Decisions are based on relevant evidence ● All associated processes will be appropriately documented and securely stored, including correspondence, interview notes, evidence and consultation advice, and ● All information and documentation relating to complaints will be kept confidential and will be disclosed only to those who have a right to the information because of their role in the complaints and appeals process, or as required by law. |

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| | <p>ACAP aims to resolve complaints and appeals in accordance with the time frames outlined in each stage of the process. In some circumstances, such as where the matter is complex, additional time may be required. All parties will be notified in writing as soon as possible and advised of adjusted timeframes.</p> <p>Complaint information will be recorded in the Complaints and Appeal Tikit system, which also houses relevant online lodgement forms. Reports containing de-identified information about complaints and appeals and their resolution will be monitored regularly. Students are entitled to have a support person present throughout the processes. The support person may be a relative, friend or colleague.</p> <p>If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of a student, ACAP will immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision and advise the student of that action.</p> <p>Records of all complaints will be maintained for a minimum period of five years and treated as confidential in accordance with ACAP policy on information privacy.</p> <p>Before an Issue Becomes a Formal Complaint</p> <p>Students are encouraged, wherever possible, to discuss and resolve concerns or difficulties directly with the person(s) concerned. All ACAP staff are available to assist students to resolve their issues at this informal level.</p> <p>The informal stage of the complaints process should be attempted where possible and safe to do so. Students can lodge a formal complaint as their first step if they are unable to safely attempt an informal resolution, if the matter is too complex or serious for informal resolution, or if they have been advised by a staff member to lodge a formal complaint.</p> <p>This informal procedure can be utilised by complainants to submit a complaint of an academic or non-academic nature:</p> <ul style="list-style-type: none"> • Complaints of an academic nature include issues related to student progress, assessment, curriculum and awards in a course of study. • Complaints of a non-academic nature cover all other matters including complaints in relation to personal information that the Institute holds in relation to an individual. <p>6.2 Lodging a Formal Complaint All formal complaints must be lodged online using the online ACAP Complaints and Appeals Form.</p> <p>6.3 General Stipulations During all stages of this procedure ACAP will take steps to ensure that:</p> <ul style="list-style-type: none"> • The complainant/s and respondent/s will be given the opportunity to present their case in person |
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- The matter will be reviewed and an outcome determined
- All matters arising will be accurately documented and recorded
- Records shall be maintained for a minimum period of five years and treated as confidential in accordance with ACAP policy on information privacy
- A written statement of the outcomes will be issued at each stage of the process giving reasons for decisions reached
- Where the internal or external complaint handling or appeal process results in a decision that supports the complainant, ACAP will immediately implement any decision and/or corrective and preventative action required and advise the complainant of the outcome
- Complainants, respondents and witnesses have the right to independent professional advice, advocacy and other support
- With the exception of an external review, the complainant will not be required to meet any costs associated with lodging a complaint or appeal, provided the procedures contained herein are adhered to
- The complainant or any respondent will not be victimised or discriminated against, and
- Avenues of appeal will be clearly outlined.
- Where a complaint is made by a student enrolled in a vocational education course, and ACAP considers that more than 60 calendar days are required to process and finalise the complaint or appeal, it will inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and will provide regular updates to the complainant or appellant on the progress of the matter.

6.4 Principles Underpinning Complaints Procedures

The guiding principles of these procedures are that complaints and appeals shall be:

- Treated seriously and with fairness
- Dealt with promptly, simply and at the level of the specific campus as far as is possible
- Treated consistently across ACAP
- Subject to the principles of natural justice and procedural fairness
- Progressed through informal and formal stages
- Dealt with and resolved wherever possible without recourse to the formal stage, and shall be without prejudice to a complainant’s right to pursue external legal remedies after having exhausted all internal ACAP complaints handling procedures
- The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other higher education or registered training organisation provider policies or under statute or any other law, and

- The complaint resolution process will identify areas for improvement in the quality of services and support provided to students.

6.5 Staff Responsibility

Improving the quality of the student experience and reducing dissatisfaction or complaints is the responsibility of all. All staff are encouraged to informally and formally identify, report and where possible prevent or remedy problems and concerns related to the fair treatment of students or potential students. This may occur during general communication in the performance of their role, by discussion, participation in meetings and formally by submitting a report to the Campus Manager or the Course Leader (for academic complaints) suggesting process improvement.

The Campus Manager is responsible for reviewing and approving process improvement reports, for investigating the cause(s) of potential problems identified, for initiating preventative action to eliminate the problem or potential problem, for verifying that approved process improvements have been implemented and preventative action has taken place to prevent or reduce future complaints or appeals.

7. PROCEDURE

7.1 Overview

ACAP follows a three stage complaints procedure aimed at the resolution of a complaint or appeal with each stage representing an increase in the level of formality with which the complaint or appeal is managed. The stages of the process are:

Stage 1: Formal Internal Complaint used where the informal process does not resolve the complaint, or the nature of the complaint is serious or complex and an informal complaint is not appropriate.

Stage 2: Formal Internal Appeal which is managed by the Dean for academic matters and the executive responsible for student experience/engagement, or delegate, for non-academic matters.

Stage 3: External Appeal: if a student has pursued their complaint through Stages 1 and 2 and is dissatisfied with the outcome the student may request independent mediation through The Resolution Institute or, if the student is an international student, the Overseas Students Ombudsman.

7.2 Stage 1 - Formal Internal Complaint

Formal internal complaints should be lodged online by completing and submitting the [ACAP Complaints and Appeals form](#). If a student is unable to lodge a complaint personally, a staff member to whom they have reported their complaint can lodge it for them. The complaint handling process will

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| | <p>commence upon receipt of the formal complaint and all reasonable measures will be taken to finalise the process as soon as practicable.</p> <p>Receipt of the complaint will be acknowledged in writing within five working days. The complaint will be assigned to a staff member who is responsible for managing assessment of the complaint and that assessment will commence upon receipt of the ACAP Complaint and Appeals form and all reasonable measures will be taken to finalise the process as soon as practicable.</p> <p>The staff member appointed to assess the complaint may:</p> <ol style="list-style-type: none"> a) designate any staff member who has not had prior involvement in the case, to assist with the assessment b) consult with relevant academic and administrative staff at the same organisational level or lower, as well as ACAP students, on matters pertaining to the case, and/or c) request the student to meet with them in person or via teleconference to discuss the complaint. <p>Assessment of the complaint will commence within 10 working days and will include the opportunity for the student and any others named in the complaint to meet with the assessing staff member in person, virtually or via teleconference to discuss the complaint. Students will be advised in writing of:</p> <ul style="list-style-type: none"> • date, time and location of meetings • the meeting's purpose, and • attendees at the meeting. <p>The assessing staff member will then endeavour to resolve the complaint and will provide the student a written report detailing the steps taken to address the complaint, their decision and reasons for the decision. The report will include details of the process for appealing the outcome of the formal internal complaint if they are not satisfied with the outcome.</p> <p>If the student is satisfied with the response to the complaint at this stage, no further action is required. If the student is dissatisfied with the response, or the decision outcome or the time taken to resolve the matter, they should lodge a formal internal appeal (Stage 2).</p> <p>7.3 Stage 2 – Formal Internal Appeal</p> <p>Formal internal appeals should be lodged online by completing and submitting the ACAP Complaints and Appeals form within twenty working days of receiving the written notification of the outcome of their Stage 1 complaint. The form should:</p> |
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| | <ul style="list-style-type: none"> • make clear the nature and grounds for the appeal • provide the date of the initial decision (if applicable) • explain why a reconsideration of the decision is being requested (if applicable) • attach copies of any written communication between the student and the staff member that took place at Stage 1 and/or Stage 2 (if applicable) • attach evidence that supports the grounds for their complaint or appeal, where available (which may include new evidence), and • outcome/s sought. <p>The executive responsible for student experience/engagement, or delegate, will assess appeals relating to non-academic complaints and the Dean will assess appeals of complaints relating to academic complaints.</p> <p>Assessment of the appeal will commence within 10 working days of its receipt and the outcome will be finalised as soon as practicable.</p> <p>For academic appeals, the Dean may establish an Academic Appeals Committee of two or three members nominated by the Dean, which may include a member of the Navitas Careers and Industry Quality Team. The staff member to whom a formal complaint was lodged at Stage 1, may not be nominated to be part of the Academic Appeals Committee. In the course of this investigation, the Dean, and any staff designated to be involved in the investigation, has the discretion to:</p> <ul style="list-style-type: none"> • consult with relevant academic and administrative staff, as well as ACAP students, on matters pertaining to the case; and/or • request the student to meet with the Committee in person or via teleconference to discuss the case. <p>The student will be provided with a written report within 10 working days of concluding the appeal. This report will make clear whether, as a result of the findings from the assessment, it has been decided to:</p> <ul style="list-style-type: none"> • confirm the original decision, or • vary the original decision, stating details of the variation, or • set the decision aside and substitute a new decision, stating the new decision. <p>The report will also advise of the right to access the external appeals process if the complainant is not satisfied with the outcome of their internal appeal.</p> <p>7.4 Stage 3 - External Appeal (Domestic Students)</p> <p>If the complainant is not satisfied with the outcome of the appeal and they are a domestic student an external review of the complaint can be requested through The Resolution Institute which the student can contact directly:</p> <p>Suite 602, Level 6 Tower B, Zenith Centre,</p> |
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821-843 Pacific Hwy, Chatswood NSW 2067

Phone: (+61 2) 9251 3366

Fax: (+61 2) 9251 3733

Freecall: 1800 651 650

Email: infoaus@resolution.institute

Website: <http://www.resolution.institute/>

External bodies may require that a student has lodged and fully exhausted the ACAP complaints process before they will consider the complaint.

ACAP will give due consideration to any recommendations arising from the external review of the complaint and the General Manager will ensure that any decision or recommendation in favour of the student will immediately be implemented and/or take the preventive or corrective action required by the decision and advise the student of that action.

7.5 Stage 3 - External Appeal (International Students)

If the complainant is not satisfied with the outcome of the Appeal and they are an international student an external review of the complaint can be requested by contacting the Overseas Student Ombudsman.

Contact Details for the Overseas Students Ombudsman:

Overseas Students Ombudsman

GPO Box 442, Canberra ACT 2601

Phone: 1300 362 072 or

+61 2 6276 0111 for call from outside Australia

Fax: +61 2 6276 0123

Complaints form:

<https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=oco-complaint-form>

Web: www.oso.gov.au

ACAP agrees to be bound by any recommendations from the Overseas Students Ombudsman and the General Manager will ensure that any decision or recommendation in favour of the student will immediately be implemented and/or take the preventive or corrective action required by the decision and advise the student of that action.

In South Australia, the Office of the Training Advocate provides a no cost, independent appeals process for students and will continue to do so, with the Overseas Students Ombudsman referring complaints originating in South Australia to the Office of the Training Advocate.

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| | <p>Contact Details for The Office of the Training Advocate:</p> <p>The Office of the Training Advocate</p> <p>Ground Floor, 55 Currie Street, Adelaide SA 5000</p> <p>GPO Box 320 Adelaide SA 5001</p> <p>Phone: 1800 006 488</p> <p>Email: trainingadvocate@sa.gov.au</p> <p>Web: www.trainingadvocate.sa.gov.au/</p> <p>7.6 Further Action</p> <p>If a complaint remains unresolved after the external mediation and dispute resolution process, the complainant may decide to refer the matter to an external agency, such as the Office of Fair Trading or the Anti-Discrimination Board.</p> <p>The procedures 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. In addition, these procedures do not circumscribe an individual's rights to pursue other legal remedies.</p> <p>7.7 Enrolment Status</p> <p>Where a current student chooses to access this policy and procedure, ACAP will maintain that person's enrolment while the complaint handling process is ongoing.</p> <p>7.8 Retention of Records</p> <p>ACAP will retain records of all formal complaints and appeals and their outcomes for a period of five years in accordance with the requirements of the Australian Privacy Principles (APPs) set out in the <i>Privacy Act 1988 (Cth)</i> as amended by the <i>Privacy Amendment (Enhancing Privacy Protection) Act 2012</i> upon written request to the executive responsible for student experience/engagement.</p> <p>7.9 Confidentiality</p> <p>All parties involved in a complaint or an appeal, must maintain confidentiality about it. All documentation relating to complaints will be kept confidential and will be disclosed only to those who have a right to the information because of their role in the complaints and appeals process, or as required by law.</p> |
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Regulatory Compliance Mapping

| Code | Standards |
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| Higher Education Standards Framework (Threshold Standards) 2021 (HESF 2021) | 2.4, 7.2.2.f |
| National Code of Practice for Providers of Education and Training to Overseas Students 2018 (NC 2018) | 3.3.7, 3.4.5, 6.1.6, 7.5.2, 7.6, 8.13.3, 8.14, 9.4.2, 10.1-4 |
| Higher Education Provider Guidelines 2012 (PG 2012) | 4.1.1.a, 4.5 |
| Standards for Registered Training Organisations (RTOs) 2015 | 6 |

Administrative Information and Version Control

| Date | Summary of Changes | Author |
|------------|---|----------------|
| 19/12/2005 | Initial approval | Campus Manager |
| 3/09/2010 | V4.0 New version | Campus Manager |
| 1/09/2011 | V4.1 minor amendments | Campus Manager |
| 31/10/2012 | V4.2 minor amendments | Campus Manager |
| 22/03/2014 | V4.3 minor amendments | Campus Manager |
| 4/4/2015 | V4.4 minor amendments | Campus Manager |
| 23/11/2015 | Administrative update to new template and update related laws and regulations | Campus Manager |
| 18/01/2016 | Administrative update to include internal contact details | Campus Manager |
| 19/04/2016 | Administrative update to include revised external appeal contact details | Campus Manager |
| 30/06/2017 | Administrative update to business and academic titles and roles | Campus Manager |
| 22/11/2017 | Administrative update to business and academic titles and roles | Campus Manager |

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| | Stage 4 process | |
| 16/02/2018 | Administrative update to business changes | Campus Manager |
| 12/10/2018 | Change of template | VET Compliance Manager |
| 10/08/2020 | Administrative updates to nomenclature | National Student Engagement Manager |
| 16/12/2021 | New Version | Board of Directors |