

# Grievance Policy – Domestic Students - Higher Education

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## Purpose:

This policy pertains to the management of higher education applicant and student grievances 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 grievance has arisen, the student's place of study or the delivery mode.

**Definition of “College”** – *In the higher education sector, ACPE Limited trades as The Australian College of Physical Education (ACPE); Australian College of Natural Medicine Pty Ltd trades as Endeavour College of Natural Health (Endeavour) and Wellnation; Study Group Australia Pty Limited trades as Martin College and Martin Higher Education (Martin HE). 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 entities or trading names.*

## Scope:

- All campuses (including online)
- All higher education courses
- All higher education **domestic** students only
- All prospective higher education students (up to 6 months from issue arising – non-academic matters only)
- All former higher education domestic students of the College (up to 12 months after enrolment has ceased)
- All academic staff (including permanent and contract academics)

## Policy Statement:

The College is committed to providing high quality educational programs 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 grievances and the reconciliation of Claimants with the College.

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

This Policy and related Grievance Procedure will be published on the College's higher education websites for the information of current and prospective higher education students, academics, and general staff. In addition, it will be provided to higher education students at course commencement.

The Director, Student Services and Retention is responsible for the training of academic and support staff in the application of the Policy.

## Record Keeping and Confidentiality

Records of grievances and their outcomes will be kept strictly confidential and filed in a separate file (not student or staff files). All related correspondence, both inwards and outwards, will be maintained in the file and stored in the office of the National Records Manager / Registrar. Each file is to be held by the College for a minimum period of five years after the Claimant's final dealings with the College on the grievance. The minimum five year retention provision also applies where the grievance is dealt with externally, with the retention period commencing at the conclusion of the external reviewer's involvement with the grievance. Informal grievance records will be destroyed when mutual resolution is agreed.

Confidentiality is observed at all times, with records of all grievances, applications for review and the outcomes only available to the parties involved in the grievance under supervised access upon written request to the Director, Student Services and Retention.

## Academic and Non-Academic Matters

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

**Non-academic matters** do NOT relate to student progress, assessment, curriculum and award in a course(s).

This policy also extends to grievances about breaches of personal information by the College relating to information obtained by the College for the purposes of FEE-HELP assistance and repayment of HELP loans. Non-academic matters may include, but are not limited to operational, administrative, discrimination and harassment issues.

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

<b>Academic</b>	<b>Non-Academic</b>
Appeal of grading decision (e.g. failure of an assessment piece or subject)	Sexual harassment
Exclusion from study or continual enrolment	Discrimination on the grounds of gender identity, sexual orientation, marital, parental or carer status, pregnancy, breastfeeding, age, physical features, impairment, race, ethnicity, political or religious belief or activity
Results of credit transfer or RPL applications	Breach of personal information
Findings of allegations of academic student misconduct (e.g. plagiarism or cheating)	Unfair treatment
Quality of course delivery	Physical or verbal abuse and behavioural issues
Negative admissions decisions based on academic concerns	Concerns about campus facilities, environment, health and safety or equipment
	Negative admissions decisions based on non-academic concerns

## Assurances

During all stages of the grievance 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 grievance.

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.

Appropriate confidentiality will be maintained, and where possible, disclosure of grievance information will be limited to those who are legitimately involved in the process of resolving the grievance.

Negotiated solutions will aim to address the key issues and be acceptable to all individuals or parties involved without ascribing blame, victimisation or discrimination.

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 grievance 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 services and courses offered by the College is encouraged and would not normally be viewed as a grievance, unless specific action is requested in the form of a concern raised. The forum for such feedback is via the Quality Feedback Monitor (available on the ePortal for students or via direct email for potential students to [qualityfeedbackmonitor@endeavour.edu.au](mailto:qualityfeedbackmonitor@endeavour.edu.au)), or via the Student Feedback Survey administered for every subject at the end of each semester. All feedback submitted via the Quality Feedback Monitor will be responded to within three (3) working days. However, in some cases, students or potential students may feel that they have experienced unfair or unreasonable treatment, disadvantage or distress that they wish to pursue through a more formal process. Feedback submitted via the Quality Feedback Monitor can be considered Stage 1 of the grievance process, known as the Informal Resolution Process (see below).

If the grievance is not resolved through informal procedures, Claimants may initiate a Formal Grievance Process. There is no cost to the Claimant for utilising the College grievance procedure.

## Prospective and Former Students

This Policy and related procedure also cover prospective higher education students of the College who have a grievance with such non-academic 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 12 months after their enrolment has ceased. A grievance submitted under these circumstances must not be a previous grievance that has been considered resolved, but a *new* grievance with *new* facts that may have recently come to light. A previous grievance cannot be re-instigated after the student's enrolment with the College has ceased or after the prospective student's grievance has been resolved.

## Stages of Grievance Implementation

The following steps identify the four key stages through which a grievance may be processed.

The College provides the following steps to allow the grievance to be formalised. The Claimant's privacy rights will be assured whilst also ensuring that victimisation and discrimination does not occur at any time during the following stages.

The Claimant has the right to be heard on the matter of the grievance 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. Grievances will be resolved as soon as possible with due regard to the legislative standards which includes the process to commence within 10 working days of the grievance being lodged, be at *no direct cost to the student* and to be finalised as soon as is practicable. If the College considers more than 20 working days is required to process and finalise a grievance at any stage of the process, the complainant will be informed in writing as to the reasons behind this decision. The timeframe for grievance processing will start again when a new stage of the process begins.

The four stages of the Grievance Process are fully detailed in the related Grievance Procedure.

### Stage 1 – Informal Resolution Process

Wherever possible the resolution of student grievances will be handled informally. Claimants are encouraged to attempt to resolve the grievance informally and amicably at an early stage. This can be done through speaking directly with a member of student support or academic staff, or can be systematised and lodged via the Quality Feedback Monitor (QFM). When submitting feedback via the QFM, a response will be received within 3 working days.

### Stage 2 – Formal Resolution Process

The formal grievance procedure begins when a student or potential student states in writing that they have a grievance using the formal grievance paperwork submitted directly to the Director, Student Services and Retention via student administration. Students should use the appropriate Grievance Form available on their College website.

It is important to note that formal grievances respect the right and the privacy of the individual, and all formal grievances **MUST** be lodged individually. Each Claimant's circumstances are different and as such will be reviewed with the best interests of the individual in mind.

The Director, Student Services and Retention will investigate the claim at this stage using all available resources which could include such information as written evidence, staff statements, or any other information deemed relevant to the grievance. For assessment item grievances, this will include forwarding paperwork directly to the relevant Head of Department / Program Leader for investigation and recommendation. Within 20 working days of receiving the completed formal grievance paperwork, the Director, Student Services and Retention will ensure that the claimant is provided with comprehensive written advice about the decision. For grievances relating specifically to assessment items only, grievances at this stage will be decided within 10 working days.

### Stage 3 - Appealing the Original Decision

At this stage, the original decision is reviewed by the Complaints and Decision Review Committee. Students or potential students who are dissatisfied with the outcome of their grievance may lodge an appeal of the decision detailing the reasons for the appeal to the Director, Student Services and Retention **within 20 working days** of being informed of the decision via email (within 20 working days of the date of the email and/or letter). The Director, Student Services and Retention is responsible for convening the Complaints and Decision Review Committee based on the appeal documentation. The Committee membership includes external members of the College's governing bodies, internal staff and a student representative (see [Academic Governance Framework](#) for full terms of reference and membership). The Committee will meet to consider the appeal and may interview the complainant or other stakeholders in the course of its considerations.

### 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 Complaints and Decision Review Committee) may seek an independent external review of the decision. To progress to Stage 4, the Claimant is required to respond within 10 days of receipt of the final decision to the Director, Student Services and Retention. The Director, Student Services and Retention will notify the student of their right to appeal if they are not satisfied with the outcome and provide details regarding access to an external reviewer. The application to the external reviewer must be lodged within 20 working days of the date of the written notice of the final internal outcome.

The request for external review must be in English. 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 get a full understanding of the grievance. It is not sufficient for the claimant to simply disagree with the decision and request an external reviewer. *The written request needs to present new or additional information to support their case or to substantiate their argument as to why the original decision of the Complaints Committee or previous Stage 2 appeal did not comply with the College's Policies, rules or procedures.*

The College has arranged for such an external reviewer to be appointed by the Council for Private Higher Education (COPHE).

On receipt of a written request from a claimant for external review of the decision made in Stage 3, the Director, Student Services and Retention will contact the Executive Officer of COPHE who will assist the claimant in making contact with an external reviewer. The claimant has to approve the external reviewer before commencing the process. The contact details of the Executive Officer of COPHE are as follows:

Executive Officer  
Council of Private Higher Education Inc.  
Suite 244, Level 4, 813 Pacific Highway  
Chatswood NSW 2067  
Phone: 02 8021 0841  
Fax: 02 8021 0843  
Email: amccomb@cophe.edu.au

COPHE will be provided with copies of the request and other documentation relating to the grievance and will retain them on file for a period of five years. The reviewer facilitated by COPHE will be an appropriately qualified person (such as a retired academic, higher education administrator and/or practitioner) available to carry out this role and be approved by firstly the claimant and the College. All information provided to COPHE and the external reviewer will be treated as confidential. Within 30 working days of receipt of the grievance, the external reviewer will provide to the Director, Student Services and Retention and to the Claimant the written outcome of the review, together with any recommendations.

Within 20 working days of receiving the external review decision and recommendations, the Director, Student Services and Retention will ensure that recommendations arising out of the external review are implemented, give the claimant comprehensive written advice about the outcome, and file all records in confidential storage.

If the claimant is not satisfied with a decision of the external reviewer that has implications for a FEE-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. The Director, Student Services and Retention will provide to the claimant the contact details of the closest Administrative Appeals Registry and the approximate costs of lodging an appeal with the Administrative Appeals Tribunal (AAT).

Full details of the application process and fees payable are available on the AAT Registry's website: [www.aat.gov.au](http://www.aat.gov.au).

### **For International students enrolled in a Higher Education course**

International students are required to refer to the [Complaints and Appeals Policy – International](#) for further information.

### External Independent Review Decision

The College agrees to be bound by the independent external reviewer's recommendations. The Director, Student Services and Retention (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 grievance or appeal will be recorded in accordance with the College's Continuous Improvement Process.

## Related Procedures:

### [Grievance Procedure](#)

#### **Definitions:**

**Academic grievance** – a grievance 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 grievance, complaint or appeal.

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

**Formal grievance** – refers to the formal lodging of a written grievance, complaint or appeal.

**Grievance** – 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 grievance** – 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 grievance** – a grievance 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** – is 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.

## Further Information:

**Related Policies:** [Student Code of Conduct – Higher Education](#)

**Benchmarking:** Endeavour Benchmarking partners  
Endeavour, ACPE & Martin HE individual institutional policies

**Supporting Research and Analysis:** Not Applicable

**Related Documents:** [Formal Grievance Form - HE](#)  
Grievance Report Stage 2 Form  
Grievance Report Stage 3 Form  
Academic Governance Framework

**Related Legislation:** Higher Education Support Act 2003 (FEE-HELP and VET FEE-HELP)

**Guidelines:** Not Applicable

<b>Policy Author:</b>	National HE Compliance Manager
<b>Policy Owner:</b>	Director, Student Services & Retention
<b>Contact:</b>	Director, Student Services & Retention <a href="mailto:jennifer.osborne@endeavour.edu.au">jennifer.osborne@endeavour.edu.au</a>
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<b>Policy Status:</b>	Fully harmonised
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<b>Key Stakeholders:</b>	Directors of Education Director, Student Services & Retention Student Services Team Higher Education Students
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