

Student Complaints and Appeals Policy

1. Background

Gateway Business College (GBC) has an obligation to provide prospective and current students with access to mechanisms that allow for grievances, complaints and appeals to be made, addressed and resolved. GBC has established processes that allow prospective and current GBC students to lodge formal grievances against any aspect of their experience with GBC, education agents or related parties. This includes complaints and appeals against academic and administrative decisions.

GBC's framework for addressing and resolving grievances, complaints and appeals ensures confidentiality, transparency, fairness, robust internal review processes, and the provision of independent review, advocacy and support if required. The management of grievances, complaints and appeals includes procedures for recording them, effective communication with the complainant or appellant and timely resolution.

2. Purpose

The *Student Complaints and Appeals Policy* establishes a framework for managing grievances, complaints and appeals made by prospective and current students. This policy provides guidelines for complainants or appellants who seek to lodge a grievance, complaint or appeal, and procedures to be implemented by GBC staff to ensure grievances, complaints and appeals are managed and resolved appropriately.

3. Scope

This policy applies to prospective and current GBC students, GBC staff, education agents and related third parties, external Board and Committee members.

4. Definitions

Appeal: When a prospective or current student contests the outcome of an academic or administrative decision. For example, in response to a mark or grade, enrolment condition, misconduct allegation outcome, admissions decision. An appeal is made when the prospective or current student believes they have been unfairly disadvantaged due to an error of fact or procedure. An appeal may involve referral to an independent mediator or external authority.

Appellant: The prospective or current student who lodges a formal appeal.

Complainant: The prospective or current student who lodges a formal complaint or grievance.

Complaint: When a prospective or current student expresses their dissatisfaction with any aspect of their experience with GBC, including the outcome of an academic or administrative decision.

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Corporate Governance Board: The formally constituted governing body accountable for the governance of GBC as a higher education operation.

Current student: A person currently enrolled in a GBC course.

Education Services for Overseas Students Act 2000 (ESOS Act): The established legislative requirements and standards for the quality assurance of Australian education and training institutions offering courses to international students who are studying in Australia on a student visa. ESOS provides tuition fee protection for international students.

External grievance resolution process: An external dispute resolution process that involves independent mediation, review and resolution.

Higher Education Standards Framework (HESF) 2015: The regulatory standards that represent the minimum acceptable requirements for the provision of higher education in or from Australia by higher education providers registered under the TEQSA Act 2011.

Prospective student: A person who intends to apply for admission to a GBC course.

Student support officer: A non-academic member of GBC staff responsible for providing students with information regarding non-academic support services. A student support officer can refer students to counsellors, general practitioners, and other health services.

5. Principles

Prospective and current students have the right to lodge a grievance or complaint against any aspect of their experience with GBC, education agents contracted by GBC or related third parties.

Information regarding grievances, complaints and appeals policies and procedures will be available on the GBC website, student handbook, student portal, Moodle LMS, subject outlines.

Prospective and current students have the right to appeal any academic or administrative decision or outcome.

Grievance, complaints and appeals processes handled internally by GBC incur no costs to prospective or current students.

Grievance, complaints and appeals will be managed confidentially, consistently, fairly, transparently without reprisal.

Impartiality will be maintained by GBC in the investigation and resolution of all grievances, complaints and appeals.

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Grievances, complaints and appeals will be responded to, investigated and resolved promptly.

Communication with the complainant or appellant will be maintained throughout the resolution process.

The resolution decision will be communicated to the complainant or appellant in writing, and include a reason for the resolution decision and further avenues for appeal available to them.

GBC will make every attempt to resolve the grievance, complaint or appeal internally. However, if the complainant or appellant is dissatisfied with the resolution outcome, they have the option to request and initiate an external resolution as per the *External Grievance Resolution Policy*.

GBC is committed to ensuring equitable access to higher education and has developed complaints and appeals processes that cater to students from groups who are under-represented in the student population, and to students who face extenuating circumstances that may affect their learning. This may include students who:

- have a disability or long-term illness
- experience difficult family circumstances
- have been unduly affected by socio-economic circumstances
- completed secondary school in a regional or isolated area
- identify as Aboriginal or Torres Strait Islander.

Support and advocacy will be provided as required throughout the grievance, complaint or appeal investigation and resolution process.

Students may nominate a support person to accompany them to meetings or assist them with the complaints and appeals process at any stage of the complaint resolution process.

Grievances, complaints and appeals will be managed and resolved in compliance with the *ESOS Act*, and the *Higher Education Standards Framework (HESF) 2015*.

GBC adheres to the requirements of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 and in particular, National Code Part D, Standard 8.

The student's enrolment will be maintained while the process is ongoing.

6. Procedures

A step by step guide to the complaints and appeals process is available in the Appendix to this policy.

6.1 Responsibilities

GBC staff, prospective and current students are responsible for complying with this policy, and all legal and regulatory requirements.

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The Student Support Officer is responsible for:

- Providing prospective and current students with information and guidance on the grievance, complaints and appeals process.
- Acknowledging receipt of a *Complaints and Appeals Form*
- Recording the submission of a *Complaints and Appeals Form*
- Forwarding the *Complaints and Appeals Form* to the relevant staff member for investigation and resolution.

The staff member assigned to investigate and resolve the grievance, complaint or appeal is responsible for:

- A thorough and impartial investigation
- Determining a fair resolution
- Meeting with the complainant or appellant if required
- Communicating the investigation process and resolution decision to the complainant or appellant
- Ensuring that the details of the investigation and resolution decision are recorded on the student's file and the GBC Complaints and Appeals register.

To ensure an effective and timely resolution, the complainant or appellant is responsible for:

- Cooperating with the investigation and resolution process
- Requesting GBC support services or external advice and advocacy if required
- Attending meetings if required
- Providing further evidence or supporting documentation as required.

6.2 Information to students

Policies and procedures for the submission of a grievance, complaint or appeal are available on the GBC website, the student handbook, student portal, Moodle LMS, subject outlines and during Orientation.

Prospective and current students have access to GBC Student Support Officers to obtain further information and guidance in the submission of a grievance, complaint or appeal.

6.3 Appealing an assessment mark or grade

If the complaint or appeal is regarding an assessment decision, then the complainant or appellant must contact their lecturer within seven (7) days of receiving the result.

If a resolution cannot be reached, then the complainant or appellant should submit a *Complaints and Appeals Form* with the Student Support Officer.

The process is as detailed below and in the Appendix at the end of this document.

6.4 Submission of a grievance, complaint or appeal

A prospective or current student may submit a grievance, complaint or appeal by completing a *Complaints and Appeals Form* which is available on the GBC website.

The completed form is submitted to the Student Support Officer. This initiates the investigation and resolution process.

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A *Complaints and Appeals Form* must be lodged within a six (6) month period to ensure effective and timely resolution.

The exception to this six (6) month period is for reports of sexual harassment and assault, discrimination, or bullying, which, due to the traumatic nature of the incident, students may hesitate to report within six (6) months of it occurring.

6.5 Overview of the resolution process

The Student Support Officer acknowledges receipt of the submitted *Complaints and Appeals Form* in writing, advising the complainant or appellant of the investigation and resolution process.

The Student Support Officer records receipt of the *Complaints and Appeals Form* on TRIM and the student's file. The Student Support Officer will create a file for a prospective student.

Once a *Complaints and Appeals Form* is lodged, the Student Support Officer will endeavour to ensure that the grievance is resolved as quickly as possible. The Student Support Officer will contact the Registrar and discuss further action.

The Registrar has discretion to refer; to investigate; to ask another source to provide information or advice; to convene an Advisory Committee; or, to reject the grievance based on the information provided by the complainant.

The Registrar may take the following actions:

- No further action if the complainant does not raise any evidence of wrongdoing or misconduct.
- Referral to a relevant staff member who holds responsibility to address the grievances for a specific service, activity or conduct of a staff member.
- Note the complaint but take no further action if only minor issues are raised, and there are no serious or systemic issues.
- Facilitate an informal resolution such as an explanation, apology or changing a decision.
- Initiate formal investigations, if there are complex issues with serious consequences. This would normally require the establishment of a Committee with membership relevant to the complaint.
- Refer the complaint to the CEO an external agency such as the police, Ombudsman, corruption prevention agencies or regulatory bodies needs to be notified.

Note: If the grievance involves the Registrar then the CEO will assume the role or appoint another staff member as an alternative to the Registrar for the purposes of the application of this Policy.

The student may appeal the College's decision on the grounds of a failure to provide natural justice (procedural fairness). See Section 6.10 below.

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Grievances, complaints and appeals will be resolved within twenty (20) working days.

Once a Complaints and Appeals Form is lodged, GBC will commence assessment of the complaint/appeal within 10 working days. GBC will endeavour to ensure that the grievance is resolved as quickly as possible.

A grievance, complaint or appeal that requires an urgent resolution will be prioritised to ensure the prospective or current student is not unduly disadvantaged.

The complainant or appellant will be advised of the resolution decision in writing.

Action required in response to the resolution decision will be implemented immediately to ensure the prospective or current student is not unduly disadvantaged further.

6.6 Prospective and current student rights

GBC will provide translators and all necessary services to ensure equitable access and support, including access to internal and professional advocates and advisors.

A complainant or appellant has the right to request independent advice and advocacy.

A complainant or appellant is entitled to have a support person with them at any meetings.

A complainant or appellant who, after internal appeal, is dissatisfied with the resolution decision, has the option to request and initiate external resolution as per the *External Grievance Resolution Policy*.

6.7 The investigation process

The GBC staff member assigned to investigate the grievance, complaint or appeal may request a meeting with the complainant or appellant if further evidence is required. The meeting request will be made in writing. The rights of a complainant or appellant apply as per clause 6.4 above.

The investigating staff member will review the grievance, complaint or appeal, and all supporting evidence thoroughly before making a resolution decision. The investigation process may involve:

- a review of internal processes and procedures.
- reviewing worked examination papers or assignments
- reviewing course materials or resources
- consulting other course participants
- reviewing course evaluations
- speaking to relevant GBC staff members

In the case of an appeal of an admission application outcome, a mark or grade, or a misconduct decision, the investigating staff member will liaise with the staff member who made the initial decision that is under appeal.

6.8 Resolution decision and outcome

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The resolution decision and outcome will be advised in writing to the complainant or appellant, with an explanation of the reasons for the decision and any rectification action that is required. The letter will include information for further avenues for appeal if the complainant or appellant is dissatisfied with the resolution decision. See the *External Grievance Resolution Policy*.

6.9 Monitoring, reviewing and reporting

All grievances, complaints and appeals will be recorded, investigated and resolved.

Reporting on grievances, complaints and appeals and resolution decisions will be included in annual reports to the Corporate Governance Board and the Academic Board. Grievances, complaints or appeals that identify a risk to the integrity of GBC will be reported to the relevant Board for discussion at the next scheduled meeting.

The Dean is responsible for reporting on grievances, complaints and appeals against academic matters and student experience, including resolution decisions and outcomes.

The CEO is responsible for reporting on grievances, complaints and appeals of an operational nature, including resolution decisions and outcomes.

For quality assurance and compliance purposes, the grievance, complaints and appeals process, resolution decisions and outcomes, will be reviewed on an ongoing basis to identify and rectify any risks to the integrity of GBC as a higher education institution and to protect the rights of prospective and current GBC students.

Repeated grievances, complaints and appeals that involve a GBC staff member may instigate a professional review or misconduct investigation and the application of disciplinary measures or professional development activities to improve performance.

6.10 The right to appeal a resolution decision and outcome

Prospective and current GBC students are entitled to appeal the resolution decision and outcome of a grievance, complaint or appeal process.

The appeal should be lodged in writing with the Student Support Officer within thirty (30) days of receiving notification of the resolution decision and outcome. The appeal should include the reason and grounds for the appeal. Where grounds for an appeal are not stated, or where there are no grounds adequately described, the appeal will be dismissed.

The complainant or appellant should:

- make clear the nature and grounds for his or her appeal;
- provide the date of the initial decision (if applicable);
- explain why a reconsideration is being requested (if applicable);
- attach copies of any written communication between the complainant or appellant and staff of the College; and
- attach evidence that supports his or her grounds for grievance, complaint or appeal, where available (which may include new evidence).

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The Registrar will investigate non-academic appeals and the Dean will investigate academic appeals. The initial grievance, complaint or appeal will be re-reviewed, including the details of the investigation, evidence, supporting documentation and the resolution decision and outcome. If new evidence has been provided as part of the resolution appeal, this must be considered.

The Registrar or Dean may establish an Appeals Committee of two or three relevant members nominated by the Registrar or Dean. Committee members may include academic and general staff of the College and/or members of Academic Board or its sub-committees.

Any staff member who has been involved in the complaints process before this stage may not be nominated to be part of the Appeals Committee. In the course of this investigation, the Registrar or Dean, and any staff designated to be involved in the investigation, has the discretion to:

- consult with relevant academic and administrative staff, as well as students of the College, on matters pertaining to the case; and/or
- request the complainant or appellant to meet with the Committee in person or via teleconference to discuss the case.

Within twenty (20) working days the complainant or appellant will be advised of the appeal resolution decision and outcome in writing, with an explanation of the reasons for the decision and any rectification action that is required.

If the complainant or appellant is satisfied with the response no further action is required.

If the complainant or appellant is dissatisfied with the response, he or she may proceed to external grievance resolution. The written notice of appeal resolution will include information for further avenues for resolution as per the *External Grievance Resolution Policy*.

7. Review

This policy will be reviewed by the Corporate Governance Board every three years, or more frequently should the Board deem it necessary.

Document History			
Document Name	Student Complaints and Appeals Policy		
Document Owner	GBC	Date Developed	11.05.2017
Initial Approver	GBC Policy Development Committee	Date Initial Approval	24.05.2017
Reviewed by	Governing Board	Date of Approval	18.12.2017
Reviewed by	Governing Board	Date of Approval	31.01.2019
Reviewed by	Governing Board	Date of Approval	14.02.2019
Related Documents	External Grievance Resolution Policy Information to Students Policy		
Version No.	Summary of Changes		
3.	Procedure: Information updated (Procedures: Added staff function and timeline information on external feedback)		

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Appendix: Student Complaints and Appeals Process

Step One	<p>If the complaint or appeal cannot be resolved by speaking with the person involved, or the complainant or appellant is not comfortable doing this, then the complainant or appellant is to progress to Step Two to complete a Complaints and Appeals Form.</p>
<p>The Student Complaints and Appeals Form is available on the GBC website.</p> <p>A <i>Complaints and Appeals Form</i> must be lodged within a six (6) month period. The exception is reports of sexual harassment and assault, discrimination, or bullying which are not subject to a time limit.</p>	
Step Two	<p>Complete the Complaints and Appeals Form and lodge it with the Student Support Officer. The Student Support Officer will register the Complaints and Appeals Form and initiate the investigation process.</p>
	<p>The staff member appointed to investigate the complaint or appeal will request a meeting with the complainant or appellant to discuss the complaint or appeal. Depending on the nature of the complaint or appeal, this may be the Course Coordinator, Dean or CEO.</p> <p>The meeting request will be made in writing, via email.</p> <p>The meeting should take place within ten (10) days of the lodgement of the Complaints and Appeals Form.</p>
	<p>The complainant or appellant may nominate a support person to accompany them to the meeting.</p>
Step Three	<p>An investigation will commence within ten (10) days of the lodgement of the Complaints and Appeals Form.</p>
Step Four	<p>The complainant or appellant will be advised in writing of the outcome of the investigation within twenty (20) days of lodgement of the Complaints and Appeals Form unless an extension is agreed to in writing by all parties to affect an outcome.</p>
If this does not solve your problem then go to Step Five	
Step Five	<p>The complainant or appellant has the right to appeal the resolution decision and outcome of a complaint or appeal process.</p> <p>The appeal should be lodged in writing with the Student Support Officer within thirty (30) days of receiving notification of the resolution decision and outcome. The appeal should include the reason and grounds for the appeal.</p> <p>The Registrar will investigate non-academic appeals and the Dean will investigate academic appeals. The initial grievance, complaint or appeal will be re-reviewed, including the details of the investigation, evidence, supporting documentation and the resolution decision and outcome. If new evidence has been provided as part of the resolution appeal, this must be considered.</p> <p>The Registrar or Dean may establish an Appeals Committee of two or three relevant members. Committee members may include academic and general staff of the College and/or members of Academic Board or its sub-committees.</p> <p>Any staff member who has been involved in the complaints process before this stage may not be nominated to be part of the Appeals Committee. In the course of this investigation,</p>

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	<p>the Registrar or 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 students of the College, on matters pertaining to the case; and/or • request the complainant or appellant to meet with the Committee in person or via teleconference to discuss the case. The meeting request must be made in writing. The meeting should take place within ten (10) working days of appeal lodgement. <p>The complainant or appellant will be advised in writing of the appeal resolution decision and outcome within twenty (20) working days.</p> <p>The letter will include information for further avenues for resolution if the complainant or appellant is dissatisfied with the appeal resolution decision. As per the <i>External Grievance Resolution Policy</i>.</p>
Step Six	<p>The complainant or appellant has the right to appeal the appeal resolution decision and outcome and should do so as outlined in the <i>External Grievance Resolution Policy</i>.</p> <p>External Independent Arbiter - Resolution Institute</p> <p>The 'Resolution Institute' is a community of mediators, arbitrators, adjudicators, restorative justice practitioners and other dispute resolution professionals. GBC is a member of the Student Mediation Scheme. (https://www.resolution.institute/membershipinformation/studentmediation-scheme)</p> <p>Level 2, 13-15 Bridge Street Sydney NSW 2000 Phone: (+612) 92513366 Fax: (+612) 92513733 Freecall: 1800 651650 Email: infoaus@resolution.institute Website: http://www.resolution.institute/</p>