

Student Complaints and Appeals Policy and Procedure

1. Introduction

The Australian Performing Arts Conservatory (APAC) Student Complaints and Appeals Policy and Procedure is designed to ensure fairness, equity, reasonableness, and transparency in the response to and management of student complaints and appeals.

1.1. Purpose

The purpose of this Policy and Procedure is to set out APAC's approach to managing student complaints and appeals so as to ensure fairness, equity, reasonableness, and transparency and to drive compliance with the requirements of relevant mandated higher education standards.

1.2. Scope

This Policy and Procedure applies to persons seeking to enrol as students, staff and members of decision-making bodies at APAC and includes complaints and appeals for both academic and non-academic matters.

1.3. Principles

- The management of student complaints and appeals is fair, equitable, reasonable, and transparent and accords with the principles of natural justice.
- Clear and comprehensive information regarding the student complaints and appeals process is provided to students prior to, and after, commencement of classes and is communicated to all students, and in particular international students, in their pre-arrival information and orientation program.
- Student complaints and appeals are resolved promptly, objectively, and sensitively.
- The student complaints and appeals process respects confidentiality, subject to relevant legal or regulatory requirements, and in accordance with APAC's Privacy Policy and Procedure.
- Outcomes to complaints and appeals are consistent and help APAC to take proactive and pre-emptive action to address systemic issues identified through complaints and appeals data.

2. Policy Statements

2.1. Fairness, Equity, Reasonableness and Transparency

APAC's approach to managing student complaints and appeals exemplifies the values of fairness, equity, reasonableness, and transparency. The process is structured to ensure that it is:

- fair to all complainants, appellants, and respondents:
 - making provision for the submission and consideration of all relevant evidence and for the open and honest presentation of the perspectives of all parties to the process;
 - aiming to deliver consistent outcomes, protecting all parties from discrimination and victimisation;
 - protecting privacy and confidentiality subject to relevant legal and regulatory requirements;
 - acting with impartiality; and
 - utilising staff who have the relevant knowledge and training.
- equitable:
 - making provision for all students to easily and straightforwardly make complaints and lodge appeals, with no financial cost imposed;
 - providing accurate, clear, and comprehensive information to all students about the details of the process and how to access it; and
 - informing students that they can seek independent professional advice at any time and have a third party communicate on their behalf.
- reasonable:
 - aiming to resolve complaints and appeals as promptly, objectively, sensitively, and in as simple a manner as is consistent with the nature of the case and the interests of those involved; and
 - arriving at conclusions based on sound reasoning and all relevant evidence.
- transparent:
 - making clear the nature of the process to all involved such as the steps that will be taken;
 - how evidence will be considered;
 - what the rights of complainants, appellants, and respondents are and who will decide the outcome; and
 - providing regular updates on progress to those involved.

2.2. Information and Communication

The proactive communication of accurate, clear and comprehensive information regarding the details of the student complaints and appeals process reflects the values underpinning the process and aligns with the requirements of mandated standards, including those relating to education providers enrolling international students. Key elements in this proactive communication are:

- having accurate, clear, and comprehensive information on the website and in a location where it can be easily found and accessed;
- having the Student Complaints and Appeals Policy and Procedure on the website and in other relevant locations where it can be easily found and accessed;
- providing accurate, clear, and comprehensive information in materials students receive before commencement, and subsequently in course and unit materials;
- providing accurate, clear, and comprehensive information in pre-arrival information and at student orientation, ensuring that international students have the information explained to them;
- alerting students by email if there are changes made to the process: and
- providing a list of resources that students might find useful in considering making a complaint or lodging an appeal and in negotiating the process.

2.3. Matters for Complaints and Appeals

A complaint can be made, or an appeal lodged by a student who is enrolled with APAC, or by someone seeking to enrol at APAC, in relation to their dissatisfaction with some aspect of the APAC's services or actions, including but not limited to:

- the recruitment, enrolment, or orientation process;
- information provided, or claims made, by APAC;
- the quality of education provided;
- the quality of support services provided;
- the curriculum;
- assessment methods and outcomes;
- handling of personal information and access to personal records;
- the way a person has been treated;
- the conduct of staff;
- the conduct of students;
- the conduct of an education agent engaged by the institution; and

- the conduct of an external service provider engaged by the institution.

2.4. Legislative and Regulatory Compliance

The management of student complaints and appeals will be compliant with education provider obligations under the Higher Education Standards Framework (Threshold Standards) 2021 and Standard 10 of the *National Code of Practice for Education and Training to Overseas Students 2018*.

2.5. Improvement and Review

In dealing with student complaints and appeals, APAC may uncover systemic, as well as particular, issues which it must address as a preventive measure. Staff and members of decision-making bodies involved in the process should be both attentive and reflective in their consideration of evidence provided, statements made, and perspectives offered; looking beyond the particulars of a case to more general implications. This ensures that the proper handling of complaints and appeals is a component in APAC's commitment to continuous improvement in its operations and provision of services and in building a culture that supports this.

More broadly, the approach to managing student complaints and appeals is regularly reviewed, including through the use of external experts and utilising any feedback from those who have been involved in the process. Deficiencies identified in such reviews are expeditiously remedied and opportunities for improvement are pursued where feasible.

3. Procedure

3.1. Making a Complaint

- Complaints should be made within twelve (12) months of the event triggering the complaint unless exceptional circumstances prevented the complainant from taking earlier action.
- Complaints cannot be made under this Policy and Procedure about:
 - public interest disclosures made by the institution;
 - decisions of the Board of Directors;
 - the content of APAC's formally approved policies and procedures;
 - actions taken by the institution to comply with legislation; and
 - matters the complainant or the respondent have already referred to the Queensland Ombudsman.
- Where a complaint is found to be frivolous or vexatious, it may be considered to be Serious Misconduct under the Student Code of Conduct and dealt with accordingly.
- Nothing in this Policy and Procedure limits the rights of students of, or persons seeking to enrol with, APAC to take action under Australia's Consumer Protection laws; nor

replaces nor modifies responsibilities or requirement arising under statute or law; nor limit any right to pursue other legal remedies.

3.2. Informal Resolution

A complaint regarding an academic or non-academic matter may sometimes be resolved informally to the complainant's satisfaction without making a formal complaint. APAC encourages this approach, since an informal resolution is likely to be less disruptive for all concerned than a formal process.

Informal resolution strategies may include seeking to conciliate, mediate, discuss or negotiate a complaint with the respondent by:

- writing, either by letter or email, to the respondent detailing concerns and asking for the desired resolution;
- requesting that a relevant staff member raise the substance of their complaint directly with the respondent; or
- requesting a face-to-face conciliation or mediation session.

There is no requirement that an informal resolution be pursued prior to making a formal complaint or that informal resolution be continued once commenced.

3.3. Stage One: Formal Complaint

- i. Where a complaint is unable to be resolved informally or the complainant does not wish to participate in, or continue with, the informal resolution process, the complainant may submit their formal complaint, and all relevant supporting documentation, in accordance with the instructions on the Students Complaints Form.
- ii. The formal complaint should contain detailed information covering:
 - the nature of the complaint;
 - the name of the respondent;
 - the timelines for events pertinent to the complaint;
 - action taken to date to resolve the complaint;
 - evidence available to support the complaint; and
 - the outcome the complainant is seeking.
- iii. APAC will acknowledge receipt of the formal complaint within five (5) business days and commence its review of the matter within ten (10) business days of receipt of the formal complaint. The complainant will be kept informed of progress at regular intervals.
- iv. The complainant will be advised in writing of the outcome within five (5) business days of a decision being reached.
- v. Outcomes of Stage One may include but are not limited to:

- correcting an error in relation to the complainant;
 - rejecting the complaint as unsubstantiated, frivolous or vexatious;
 - recommending that APAC commit to the review and improvement of existing services or processes;
 - APAC making a formal apology to the student; or
 - referring the complaint for investigation under another process.
- vi. The advice in writing of the outcome of Stage One will describe:
- the process followed in investigating the complaint;
 - the reasons for deciding on the particular outcome;
 - advice on further options for pursuing the complaint; and
 - support services available to the complainant.
- vii. Following notification of the Stage One outcome the complainant may:
- choose not to seek a review of the outcome;
 - submit a formal application to appeal the decision; or
 - if avenues for appeal within APAC are exhausted, make a complaint with an external agency.

3.4. Stage Two: Appealing an Outcome

- i. If a complainant is not satisfied with the outcome, or the management, of Stage One, they may submit a formal application to appeal the outcome.
- ii. The formal appeal application must be lodged within twenty (20) business days of the official decision of the Stage One outcome being communicated to the appellant and should contain detailed information covering:
 - the outcome being appealed;
 - the reasons for the appeal; and
 - any new evidence or additional support material to explain special circumstances not described previously.

If the appellant has provided no reasonable grounds for the appeal, such as new material evidence or additional supporting documentation, or evidence of procedural flaws, then the appeal will not be progressed. The appellant will be advised of this within five (5) business days of that assessment.

- iii. APAC will acknowledge receipt of the formal appeal within five (5) business days and commence its review of the matter within ten (10) business days of receipt of the formal appeal. The appellant will be kept informed of progress at regular intervals.

- iv. The complainant will be advised in writing of the outcome within five (5) business days of a decision being reached.
- v. Outcomes of Stage Two may include but are not limited to:
 - upholding the Stage One outcome in its original form;
 - recommending an alternative action to assist with the resolution of the complaint; and
 - recommending that APAC commit to the review and improvement of existing services or processes.
- vi. The advice in writing of the Stage Two outcome will describe:
 - the process followed in investigating the appeal;
 - the reasons for deciding on the particular outcome;
 - advice on further options for pursuing the complaint; and
 - support services available to the complainant.
- viii. Following notification of the Stage Two outcome the complainant may:
 - choose not to seek a review of the outcome; or
 - make a complaint with an external agency.

3.5. Stage Three: External Review

- i. If a student is not satisfied with APAC's final decision and has exhausted all processes for resolving a complaint, the student may refer the matter to an external agency in accordance with that agency's procedures.
- ii. APAC is a member of the Student Mediation Scheme at Resolution Institute. The Scheme allows a member educational and training institution or its student to refer to the Resolution Institute as the external review body once its internal grievance system has been exhausted. Contact details are:

Level 1 and 2, 13-15 Bridge Street, Sydney, NSW 2000
Phone: + 61 2 9251 3366
Fax: + 61 2 9251 3733
Emails: infoaus@resolution.institute
Website: www.resolution.institute
- iii. Students may also contact the Tertiary Education Quality and Standards Agency via its website: <http://www.teqsa.gov.au/complaints>.
- iv. If APAC is notified that an external appeal has been made or legal action has been taken, the internal complaint process will be suspended until the external appeal is completed.

International students may make a complaint via the Overseas Students Ombudsman if they are unhappy with the outcomes of APAC's internal complaints and appeals process. This service is free. The following extracts are from the Ombudsman's website found at:

<https://www.ombudsman.gov.au/How-we-can-help/overseas-students>.

What does the Overseas Students Ombudsman do?

*The Overseas Students Ombudsman investigates complaints about problems that international students have with **private** schools, college and universities (education providers) in Australia.*

If you are not satisfied with a decision or action taken by your private registered education provider, you should ask about their internal complaints and appeals process. If you complain to your provider, but you are not satisfied with the result, you can complain to the Ombudsman.

What can the Ombudsman do to fix my problem?

If we find that your education provider has made a mistake or acted unfairly, we can, for example, ask them to:

- *Apologise*
- *Change or reconsider a decision*
- *Provide better information*
- *Improve a policy or procedure*
- *Provide a refund*
- *Take some other action.*

Making a complaint to the Overseas Students Ombudsman

The Ombudsman's office is open from 9 am to 5 pm (AEST) Monday to Friday.

Telephone: 1300 362 072

Website: <http://www.ombudsman.gov.au/making-a-complaint/overseas-students>

- v. Any recommendations arising from an external appeal will be implemented as soon as possible. Any matters considered as urgent will be implemented within five (5) business days. Any systemic changes, such as changes to policies will commence within thirty (30) days, noting that full implementation will be in accordance with normal approval procedures for such changes.

3.6. Record Keeping and Confidentiality

- i. Staff involved in handling student complaints and appeals ensure that: all documentation provided during the process; communications between APAC, complainants, respondents and other parties; the notes of meetings with complainants, respondents and other parties; notes of meetings of staff involved in making decisions about particular cases; and notes explaining the rationale for particular decisions by APAC are kept securely and maintained for at least five (5) years to allow parties to complaints and appeals appropriate access.

- ii. All records relating to complaints and appeals will be treated as confidential and will be maintained in accordance with APAC's Privacy Policy and Procedure. Staff involved in handling student complaints and appeals will receive the ongoing training necessary to enable them to carry out their roles effectively and consistently with this Policy and Procedure, and, in particular, to honour the values stated in the Policy and Procedure Principles.

4. Responsibilities

4.1. The Board of Directors

Monitor and oversee formal complaints, allegations of misconduct, appeals processes for non-academic matters, breaches of academic or research integrity and critical incidents.

4.2. Academic Board

The Academic Board is responsible for overseeing and monitoring the effectiveness of APAC's approach to managing student complaints and appeals regarding academic matters.

4.3. The Chief Executive Officer

The Chief Executive Officer is responsible for:

- the effective implementation of this Policy and Procedure in so far as it concerns non-academic matters;
- the allocation to staff of responsibility for handling complaints and appeals regarding non-academic matters;
- ensuring that the requirements regarding the communication and dissemination of information about the management of study complaints and appeals are met;
- ensuring that staff allocated to manage student complaints and appeals regarding non-academic matters are appropriately trained;
- ensuring the regular review of APAC's approach to managing student complaints and appeals.

4.4. The Director of Higher Education

The Director of Higher Education is responsible for:

- the effective implementation of this Policy and Procedure in so far as it concerns academic matters;
- the allocation to staff of responsibility for handling complaints and appeals regarding academic matters; and
- ensuring that staff allocated to manage student complaints and appeals regarding academic matters are appropriately trained.

4.5. Staff

Staff involved in the management of student complaints and appeals are responsible for ensuring adherence to this Policy and Procedure, in particular seeking advice when necessary and maintaining required confidentiality.

4.6. Students

Students are responsible for refraining from making frivolous or vexatious complaints and, when party to a particular complaint or appeal process, adhering to the requirements of this Policy and Procedure.

5. Relevant Documents

- Education Services for Overseas Students (ESOS) Act 2000
- Higher Education Standards Framework (Threshold Standards) 2021
- National Code of Practice for Providers of Education and Training to Overseas Students 2018
- Privacy Policy and Procedure
- TEQSA Guidance Note: Grievance and Complaint Handling 2019
- The Privacy Act 1988 (Cth)

6. Definitions

- **Appeal** is a written application by a complainant to have a decision affecting the complainant investigated.
- **Complaint** in the context of this policy and procedure is a generic term including any expression of dissatisfaction with some aspect of a student's experience with APAC (including with agents or other related parties who represent or act on behalf of the provider).
- **External Review** is an application to an external agency by a complainant seeking an appraisal of the fairness and appropriateness of the complaints of appeals process undertaken by APAC .
- **Frivolous Complaint** is a complaint that is groundless or trivial.
- **Mediation and Conciliation** refers to informal discussions and negotiations involving the complainant and respondent(s) to reach a mutually acceptable resolution of a complaint by agreement rather than by an imposed decision.
- **Vexatious Complaint** is a complaint made maliciously with the intent to annoy or embarrass the respondent or made with another ulterior purpose.

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