

Grievance & Appeals Policy

Purpose

This policy establishes the principles and processes by which Collarts will investigate, hear and determine grievances and appeals for both academic and non-academic matters in a fair, equitable and confidential manner with regard to Collarts rules, within the *Higher Education Standards Framework (Threshold Standards) 2015*, and the *Education Services for Overseas Students (ESOS) Act 2000*.

Scope

- All students, prospective students and all other parties to Collarts are entitled to access the grievance procedures set out in this policy, regardless of the location of the campus at which the grievance has arisen, the student's place of residence or the mode in which they study.
- This policy also applies to Collarts staff who investigate, hear and determine grievances and appeals.
- This policy applies to complaints regarding Collarts, education agents with an agreement with Collarts, third parties and any other associated entities.
- The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other regulatory body policies or under statute or any other law.
- This policy does not address the following: missed assessments requiring special consideration (refer to the *Special Consideration Policy*); Tuition Fee or FEE-HELP refunds (refer to the *Tuition Fee Refund Policy – Domestic or International*)
- For complaints regarding incidents of sexual misconduct, refer to the *Sexual Assault and Sexual Harassment (SASH) Prevention and Response Policy*.

Definition of Key Terms

Academic Grievance means a written complaint where a student believes they have received unreasonable treatment in relation to matters such as:

- Academic progress
- Assessment and grading matters
- Course content, structure, or delivery
- Decisions in relation to academic misconduct
- Supervision of internship placements
- Copyright or intellectual property.

Appellant means a student, prospective student or third party who has made an appeal against Collarts' decision in relation to a grievance

Complainant means a student, prospective student or third party who has made a complaint or grievance

Non-Academic Grievance means a written complaint where a student or prospective student or third party believes they have received unreasonable treatment in relation to matters such as:

- Admission processes or decisions
- Enrolment processes or decisions
- Timetabling processes
- Decisions in relation to non-academic misconduct
- Financial status of a student (except in relation to Tuition Fee or FEE-HELP Refunds)
- Discrimination, harassment, bullying or intimidating behaviour to others.

Principles

Complaints, grievances and appeals will be addressed based on their particular circumstances but will adhere to the following general principles:

Availability: Students and prospective students can access the Collarts' grievance and appeals policy and procedures via the *Policies* section of the MyCollarts website at www.collarts.edu.au/he-policies

Timeliness: All complaints, grievances or appeals must be made in a timely manner, will be dealt with in a timely manner and will progress through informal and formal stages according to this policy.

Confidentiality: All parties to a complaint, grievance or appeal have the right to be represented by a third person (such as a family member, friend, counsellor or other professional support person) if they so desire.

Without Disadvantage: The parties to a complaint, grievance or appeal will not be victimised or discriminated against during any stage of the grievance process as set out in this policy. Where the Complainant or Appellant is a student, their enrolment status will be maintained and the student must continue their studies during the grievance or appeals process, except where their health or safety is potentially at risk or poses a health or safety risk to others.

Procedural Fairness: All grievances will be addressed based on their particular circumstances and subject to the principles of natural justice.

Support: All complaints, grievances and appeals will be treated with confidentiality at all times. Access to information in relation to the grievance will be provided only to staff on a 'need-to-know' basis in order to deal with the grievance.

Resolution: Collarts expects most complaints can be resolved informally (Stage 1). Informal resolution provides the best opportunity for open and direct dialogue and is the most time effective strategy.

Record Keeping: All matters arising from the complaint, grievance and/or appeal proceedings shall be accurately documented and recorded. Records shall be maintained for a minimum period of five years and treated as confidential in accordance with Collarts' *Privacy Policy*.

Access: All parties to a complaint, grievance or appeals proceedings will be allowed supervised access to all records to that complaint, grievance or appeal on written request to the Office of the Registrar.

Cost: The cost of the grievance process will be free of charge. The cost of any external appeal (stage 4) will be borne by the Appellant but reimbursed by Collarts if found in the Appellant's favour.

Policy

Grounds for Lodging an Academic Grievance

There are only four grounds for lodging an academic grievance:

1. Performance in an assessment suffered through illness or other factors which the student was unable or, for valid reasons, unwilling, to disclose before the results were awarded. A grievance under such grounds will normally be dismissed unless an acceptable explanation is given for not presenting the extenuating circumstances in advance of the results having been awarded.
2. An assessment was not conducted in accordance with Collarts' *Assessment Policy* or approved Collarts regulations.
3. There was a material administrative error in the calculation of an assessment mark or grade.
4. Some other material irregularity occurred in making an academic decision such as bias.

Collarts will not accept academic grievances based on the following claims:

- Academic grievances may only be made against formal published results or decisions – an academic grievance cannot be made against informal marks or grades which have yet to be approved or published by the Office of the Registrar
- Being unaware of the assessment regulations and procedures
- Being unaware of the grievance and appeals procedure, or their rights and responsibilities
- Not knowing how to present extenuating circumstances
- The unit structure and assessment method
- Student workload or the amount of work the student has done
- The financial implication of failing a unit
- Grades received by the student in other units
- Penalties imposed for poor attendance or academic integrity such as plagiarism
- The need for more marks to achieve a pass or better grade in the unit

Timeframe for lodging an academic grievance:

- An academic grievance must be lodged no later than **five** working days after the related incident or the formal publication of results (grades) for the trimester.

Grounds for Lodging a Non-Academic Grievance

A Non-Academic Grievance is a written complaint where a student, prospective student or third party believes they have received unreasonable treatment in relation to matters such as:

- Admissions processes or decisions
- Enrolment processes or decisions
- Timetabling processes
- Decisions in relation to non-academic misconduct
- Financial status of a student (except in relation to Tuition Fee or FEE-HELP refunds)
- Discrimination, harassment, bullying or intimidating behaviour.

Procedures (Academic and Non-Academic)

The Collarts framework for dealing with grievance matters (academic and non-academic) is broken down into four stages of resolution designed to process and determine complaints, grievances and appeals in a timely manner, with fairness and protection for all parties concerned:

- Stage 1: **Informal** approach to the person directly involved
- Stage 2: Lodging a **formal** grievance with the Office of the Registrar
- Stage 3: Lodging an **internal appeal** to the Appeals Committee
- Stage 4: Making an **external appeal** to an External Reviewer

Complainants are encouraged to seek to the resolution of any matters informally with the person(s) directly involved (Stage 1) before initiating a formal grievance resolution under Stage 2.

During the grievance process, a student's enrolment status will be maintained, and the student must continue their studies for the duration of the process, except where their health or safety is potentially at risk or the matter poses a health or safety risk to others.

Where the Complainant or Appellant is an international student and their grievance or appeal relates to not meeting course progression requirements or not finishing their course of study in the reported duration, the student will be notified in writing of the intention of Collarts to report this to the Department of Education via PRISMS which may result in the Department of Home Affairs cancelling their student visa. In this event, the student will be advised they have **twenty** working days to access the grievance and appeals process.

Overview of process:

Stage 1: Informal Resolution

- Discuss directly with the person/s involved
 - If concerned about doing this, submit complaint to the Office of the Registrar

Decision made within 10 working days

- If acceptable resolution not reached, proceed to Stage 2.

Stage 2: Lodge Formal Grievance

- Grievance investigated
 - A conciliation meeting may be held

Decision made within 15 working days

- If acceptable resolution not reached, proceed to Stage 3.

Stage 3: Lodge Internal Appeal

- Appeals must be made within 10 working days of outcome letter received in Stage 2
- Appeal assessed – if accepted, a hearing may be held by the Appeals Committee

Decision made within 10 working days

- If acceptable resolution not reached, proceed to Stage 4.

Stage 4: Lodge External Appeal

- If the Appellant is dissatisfied with the outcome from the Internal Appeal process, they may lodge an appeal for external mediation and dispute resolution via the Resolution Institute.

Refer below for further important details on each stage of the process.

Stage 1: Informal approach to the person directly involved

In the first instance, complaints should be discussed with the person(s) involved in an attempt to settle the matter directly.

However, if the circumstance is such that direct discussion is impracticable, or the Complainant has concerns about approaching the person(s) directly, then the complaint should be submitted to the Office of the Registrar via email to support@collarts.edu.au which:

- Clearly identifies the issue (complaint)
- Outlines a process to resolve the issue
- Proposes an outcome which they believe will settle the matter

The Registrar will acknowledge receipt of the complaint and refer the matter to appropriate member of staff.

This arrangement is free of charge, and where an email is sent to the Office of the Registrar, every effort will be made to advise of a decision within **ten** working days of the email being received.

If this informal approach does not lead to an acceptable resolution, then a formal grievance process can be initiated under Stage 2.

Stage 2: Lodging a formal grievance with the Office of the Registrar

a) Submit a 'Formal Grievance Application Form' to the Office of the Registrar

Responsible: Complainant

Complainants wishing to lodge a formal grievance must do so in writing by completing a 'Formal Grievance Application Form' which can be downloaded via the *Policies* section of the MyCollarts website at www.collarts.edu.au/he-policies and must provide the following information to assist with investigation and the determination of a reasonable resolution:

- A clear description of the grievance, including date, location and persons involved
- A summary of the processes and steps taken to date to try and resolve the grievance informally
- A proposed resolution which they believe will settle the grievance
- Attach any documentation in support of the grievance or proposed resolution

The completed form should be submitted to any Collarts campus reception or Student Services Office, or by emailing it to support@collarts.edu.au.

A Complainant may withdraw a formal grievance at any stage by giving written notice to the Office of the Registrar.

b) Review and consideration of the formal grievance

i. Acknowledge receipt and referral of the matter to a Grievance Officer

Responsible: Office of the Registrar

The Registrar will acknowledge receipt of the formal complaint and will refer the matter to a Grievance Officer. For academic matters, the Grievance Officer will be a Collarts Program Leader/Head; however, where a grievance is being lodged against a Program Leader/Head, the Registrar will refer the matter to the Dean. For non-academic matters, the grievance officer will be the Registrar.

The Registrar will record the grievance received in the Grievance & Appeals Register. Grievance proceedings may not be run concurrently. Where a grievance is lodged for the purpose of delaying another proceeding, it may be dismissed on the grounds that it is frivolous and lacking substance.

ii. Investigation of the grievance

Responsible: Grievance Officer

The Grievance Officer will attempt to resolve the situation through investigation and conciliation, and they may also refer the Complainant to the appropriate support services during this process.

In conducting their investigation, the Grievance Officer will engage in a number of activities to gather and test information in relation to the matter, such as but not limited to:

- a review of Collarts policy and/or procedure
- a review of course materials, assessments and/or evaluations
- interview and discussions with other members of staff and/or students
- a formal meeting with all or some of the parties to the grievance
- seeking external expert advice

The Grievance Officer will maintain a file of all correspondence and communication in relation to their investigation of the grievance.

If the Grievance Officer is unable to investigate the grievance due to insufficient information or clarity of information, the Complainant will be advised in writing outlining what is required for investigation to continue.

iii. Determination of the decision and outcome(s)

Responsible: Grievance Officer

The Grievance Officer will commence assessment of the complaint within 10 working days of receipt and conclude their investigation and will advise their decision and the outcomes, via email, within **fifteen** working days of receipt of the completed *Formal Grievance Application Form*.

- If, in the opinion of the Grievance Officer, the grievance is frivolous or unjustified, or rejected for any reason, the decision will be communicated to the Complainant

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including reasons for the decision and the Complainant's right to appeal. The matter will be considered closed.

- If, in the opinion of the Grievance Officer, the grievance is justified, they may call a conciliation meeting with all parties concerned for the purpose of open dialogue and finding resolution(s).

Where the conciliation meeting(s) reaches mutually agreeable resolution, these outcomes will be communicated in writing to all parties involved. The matter will be considered closed.

Where conciliation meetings are held but no resolution is reached, the Complainant will be advised in writing of the Grievance Officer's decision as to the best solution available and their right to appeal. The matter will be considered closed.

The Grievance Officer will draft the appropriate communication using the Grievance Outcome Template Letter and forward the signed copy to the Office of the Registrar to record the outcome in the Grievance & Appeals Register. The Office of the Registrar will forward the letter via email to the Complainant. In all cases, Collarts will provide a written communication to the Complainant advising the outcomes of any grievance investigation, offer of resolution, the reasons for the decision and their right to appeal.

c) Respond to the Grievance Outcome Letter

Responsible: Complainant

The Complainant must accept or reject any offer of resolution within **ten** working days of the date of the *Grievance Outcome Letter*.

i. The Complainant accepts Collarts' decision and offer of resolution

If the Complainant accepts offer of resolution as outlined in their 'Grievance Outcome Letter', they must formally accept the decision and acknowledge their understanding of any implications, by signing and returning a copy of the letter to the Office of the Registrar.

On receipt of the signed acknowledgement, the resolutions will be implemented immediately or as soon as practicably possible. The implementation of the accepted resolutions will be managed by the Grievance Officer and the Office of the Registrar.

ii. The Complainant rejects Collarts' decision and offer of resolution

Complainants have the right of appeal if they believe their grievance has not been adequately resolved.

If the Complainant rejects the offer of resolution as outlined in their 'Grievance Outcome Letter', they may appeal the decision to the Appeals Committee. The appeal must be submitted in writing using the 'Application to Appeal' form.

Where the Complainant is an international student and the outcome of their appeal or grievance may affect their course progression or ability to complete their course in their recorded duration, Collarts will not report any changes to the Australian Government via

PRISMS during this time. However, if the appeal is unsuccessful, Collarts will proceed with processing the relevant changes to the student's enrolment and report those changes in accordance with the National Code of Practice for Providers of Education and Training to Overseas Students (*National Code*) 2018.

Stage 3: Lodging an internal appeal to the Appeals Committee

Grounds for Lodging an Internal Appeal

An appeal against a determination as a result of a formal grievance process (Stage 2) may be made on the following grounds:

1. There is new evidence of a relevant nature that was not available during Stages 1 and 2
2. There was a conflict of interest by the Grievance Officer
3. A significant irregularity of policy or procedure occurred during the investigation.

The appeal must respond to the grievance decision and not the initial incident unless there is new relevant evidence to present and not just re-submitting the same information lodged in Stage 2.

Collarts will not accept an appeal against a determination when the 'Application to Appeal' has been made outside the time allowed for the lodgement of an appeal or where the appeal is based on the following claims:

- The unit structure and assessment method
- Student workload or the amount of work the student has done
- The financial implication of failing a unit
- Grades received by the student in other units
- Penalties imposed for poor attendance or academic integrity such as plagiarism
- The need for more marks to achieve a pass or better grade in the unit
- Another grievance or appeal currently under review

The Appeals Committee

The Appeals Committee is a sub-committee of the Academic Board and shall comprise of four persons, each of whom has had no prior involvement in the matter being heard – the Dean (Chair), a Program Leader, a Senior Academic Staff Member and a member of Senior Management. Where the matter being heard is in relation to the Dean, the Appeals Committee shall be chaired by the Chair of the Academic Board.

All members of the Appeals Committee are required to declare any conflict of interest in relation to any matter brought before the Committee where a conflict exists. Where a conflict of interest exists, the member may be required to withdraw from hearing that particular matter and the Chair of the Committee will nominate an alternate.

The decision of the Appeals Committee shall be final. If necessary, the Chair shall have a casting vote. The Chair of the Committee shall seek to ensure that any actions arising from the decision of the Committee are taken within the timescale identified in the report and shall report any failure to complete actions to the Academic Board.

The Appeals Committee shall hear the appeal in accordance with the procedures detailed below:

a) Lodging an appeal application to the Office of the Registrar

Responsible: Appellant and Office of the Registrar

Appellants wishing to lodge an appeal to the Appeals Committee must do so within **ten** working days of the receipt of their *Grievance Outcome Letter*, by completing an 'Application to Appeal' form which can be downloaded via the *Policies* section of the MyCollarts website at www.collarts.edu.au/he-policies. The appeal form must provide the following information to assist with investigation and determination of a resolution:

- A statement of their grounds for appeal
- A proposed outcome which they believe will settle the issue
- Attach any documentation in support of the grievance or proposed outcome

The '*Application to Appeal*' form, with any supporting documentation attached, should be submitted to any Collarts campus reception or Student Services Office or by emailing support@collarts.edu.au.

The Registrar will acknowledge receipt of the appeal and will refer the matter to the Appeals Committee Chair.

b) Assessment of the Appeal

Responsible: Appeals Committee Chair

The Appeals Committee Chair will review the appeal and make one of the following determinations:

i. Accept the appeal for hearing and determination.

See Item [c\) Acceptance of an Appeal Application](#) below

ii. Refer the appeal to the Grievance Officer for reconsideration where new evidence has been presented

The Grievance Officer will review the appeal and either reconfirm the initial decision or overturn the initial decision. The Appellant will be advised of the decision in writing.

iii. Deny the appeal

Where the appeal is denied for hearing and determination, the Appeals Committee Chair will advise the Appellant in writing of the reasons for denying their application, thereby enforcing the decision reached at Stage 2, with copies to the relevant parties.

c) Acceptance of an Appeal Application

Responsible: Appeals Committee Chair, Appellant

Where the appeal is accepted for hearing and determination, the Appeals Committee Chair will advise the Appellant and all relevant parties in writing of the following:

- The accepted grounds for appeal
- The date, time and location of the appeal hearing

- The deadline for the submission of any additional evidence by any relevant party
- The right of all relevant parties to bring a support person of their choosing, but not legal representation unless with the consent of the Appeals Committee Chair

The Appeals Committee Chair will forward the appeal and all related documents to the members of the Appeals Committee and the Appellant before the hearing date.

d) The Hearing

Responsible: Appeals Committee, Appellant

The Appeals Committee Chair will be responsible for conducting the appeal proceedings to meet the circumstances of the case and the requirements of natural justice.

The Appellant will be provided the opportunity to address the Appeals Committee, and their support person may assist them to state their case.

Any party to the appeal may request an adjournment. The Appeals Committee will consider any such request and determine as the Committee sees fit to meet the circumstances of the case and the requirements of natural justice.

e) Decision by the Appeals Committee

The Appeals Committee may determine the appeal on the same day as the hearing or may reserve its decision to a later date.

In determining their decision, the Appeals Committee shall establish the exact nature of the grievance, establish the facts as far as it is possible to do so and consider the evidence presented at the hearing. The decision of the Appeals Committee on any matter shall be by a majority vote, with each member of the Committee entitled to one vote. If necessary, the Appeals Committee Chair will have the casting vote and the decision of the Committee shall be final.

The Appeals Committee Chair will report its decision in writing to the Office of the Registrar with copies to all relevant parties within **ten** working days.

f) Enforcement of the decision

The Appeals Committee Chair will seek to ensure that any actions arising from the decision of the Committee are taken within the timescale identified in their written determination and shall report any failure to complete actions to the Academic Board.

Stage 4: Lodging an appeal for External Mediation & Dispute Resolution

Domestic and International Students

If the Appellant is dissatisfied with the outcome of the internal appeal process by the Appeals Committee, they may elect for the matter to be resolved through external mediation.

The external mediation and dispute process will be facilitated by Resolution Institute, the national association of dispute resolvers. Collarts is a member of both their domestic and international Student Mediation Schemes.

Appellants who wish to lodge an external appeal for mediation should contact Resolution

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Institute directly, who will refer them to a suitable mediator to begin the process of dispute resolution:

Resolution Institute Head Office
Level 1 and 2, 13-15 Bridge Street
Sydney NSW 2000

- 📞 Toll-free call: 1800 651 650
- 📞 International call: +612 9251 3366
- ✉ infoaus@resolution.institute
- 🌐 www.resolution.institute/

The Appellant may ask another person to accompany them to meetings with the mediator. The support person however is not the primary party and is only able to speak at the External Mediator's discretion.

Collarts agrees to participate in the mediation process and be bound by the recommendations of the External Mediator. The Dean (for academic matters) or Managing Director (for non-academic matters) will ensure that recommendations are implemented immediately after the receipt of the External Mediation Report.

Collarts will bear all reasonable costs associated with the external mediation and dispute resolution process. This procedure will be executed at minimal or no cost to the student.

If a grievance still remains unresolved after the external mediation and dispute resolution process, the Appellant may decide to refer the matter to an external agency, such as the Administrative Appeals Tribunal, Victorian Ombudsman, Victorian Equal Opportunity & Human Rights Commission, or Consumer Affairs Victoria.

International Students

International students who wish to lodge an external appeal or complaint against the internal appeal process by the Appeals Committee may contact the Commonwealth Ombudsman which offers a free and independent service.

Commonwealth Ombudsman
Level 6, 34 Queen St
Melbourne, VIC, 3000

- 📞 Toll-free call 1300 362 072
- ✉ ombudsman@ombudsman.gov.au
- 🌐 <https://www.ombudsman.gov.au/>

Related Policies

This policy should be read in conjunction with the following Collarts policies:

- *Privacy Policy*
- *Assessment Policy*
- *Misconduct Policy*
- *Sexual Assault and Sexual Harassment (SASH) Prevention and Response Policy*

All Collarts policies referenced in this document can be accessed via the Student Resources section of the MyCollarts student portal at <http://mycollarts.edu.au/login/index.php>, or via the *Policies* section of the MyCollarts website at www.collarts.edu.au/he-policies.

Further Information

Author:	Quality & Compliance Manager	Policy owner:	Managing Director
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