

Student Complaint and Grievance Policy and Procedure HEPP03

PURPOSE	
This policy and procedure describes the process for managing complaints and grievances raised by students.	
SCOPE	
<p>This policy and procedure applies to all students of Southern Cross Education Institute (Higher Education) and staff involved in the management of complaints and grievances. Matters raised may include the quality of the following services; student support, and teaching delivery. Other matters raised may include the following: perceived administration errors or disagreements, instances of bullying, harassment, discrimination or any other areas of perceived inappropriate, unfair or discriminatory treatment, action or decision.</p> <p>This policy and procedure does not apply to academic issues such as outcomes of assessment, assignment of grades, instances of academic misconduct, occurrences of plagiarism or refusal (in full or in part) of an application for credit and recognition of prior learning.</p>	
DEFINITIONS	
Appellant	The person(s) lodging an appeal to the outcome of a complaint or grievance.
Complainant	The person(s) lodging the complaint or grievance.
Complaint	Written or verbal notification of dissatisfaction with any part of the services provided by Southern Cross Education Institute (Higher Education). A stage 1 complaint is usually of a minor matter and can be resolved at the local level through mediation, while a stage 2 complaint is a more formal matter that requires more formal processes.
ESOS National Code	National Code of Practice for Providers of Education and Training to Overseas Students 2018 established under the Education Services for Overseas Students Act 2000.
Grievance	A complaint of a behaviour or action that is to be investigated using formal processes, that has been escalated from an unresolved stage 2 complaint.
Respondent	The person(s) against whom the complaint or grievance has been made.
SCEI-HE	Southern Cross Education Institute (Higher Education)
POLICY	
<ol style="list-style-type: none"> 1. SCEI-HE is committed to providing effective, timely, fair, and confidential complaint and grievance handling processes for all students. For this reason, students are informed of the Complaint and Grievance Policy and Procedure throughout the enrolment process. The information is made available on the SCEI-HE website, at https://scei-he.edu.au/admission/policies-procedures-forms/. 2. Any complaint or grievance of an alleged criminal nature will be reported to the police or other relevant authority. 3. SCEI-HE acknowledges that clear communication is vitally important particularly if issues arise between parties. To assist the communication process. 4. A student may escalate a complaint to a formal process at any stage. 5. General principles that apply to all stages of this policy and procedure and will be adhered to by the Institute are: <ol style="list-style-type: none"> 5.1 All formal complaints must be reported in writing within 4 weeks of the adverse event occurring; 5.2 The complainant and respondent will have the opportunity to present their case at each stage of the process; 5.3 The complainant or respondent at any stage of the complaints and/or grievances process may seek the support of an independent third party; 5.4 All complaints and grievances will be managed in a confidential manner without any retribution to either the complainant or the respondent; 5.5 The complainant and respondent will not be discriminated against or victimised; 	

- 5.6 At all stages, discussions relating to complaints and grievances will be recorded in writing. Full explanations for decisions and any action taken will be provided to the complainant or respondent if requested;
- 5.7 All records relating to the complaint or grievance will be kept for a minimum of 5 years. Any records or documentation is to be kept strictly confidential and stored securely in the student's administration file and student management system; and
- 5.8 Where complaints or grievances cannot be resolved internally, the Student will be referred to an appropriate external and independent body to review the case.

PROCEDURE

1. Informal Complaint

- 1.1 Where appropriate, students should attempt to make reasonable endeavours to resolve a complaint or grievance informally before raising it as a formal complaint.
- 1.2 The complainant should approach the person involved, if appropriate. The complainant may seek support from a third party prior to approaching the person involved.
- 1.3 The most appropriate step for the complainant is to talk to the person who is the cause of the complaint or grievance about how their actions are impacting upon them (this depends on the nature of the complaint or grievance).
- 1.4 If the complaint is about behaviour, the complainant may choose to advise the other party that the conduct is inappropriate (for example it may be offensive, intimidating, humiliating or hurtful) and ask for it not to continue.
- 1.5 If it is about Institute processes or a course matter, the complainant should describe to the other person the nature of the complaint and a possible resolution.
- 1.6 Should these steps fail to reach a resolution, the complainant may raise the complaint with their Course Coordinator (for academic issues) or Student Welfare Officer, who should provide advice and information on how to manage the situation.
- 1.7 If a resolution is reached, then the matter is finalised.
- 1.8 If the matter is not successfully resolved, the complainant may continue to the formal complaint process (Stage 1).

2. Formal Complaint

- 2.1 Formal complaints should be submitted in writing to Student Support, who will refer it to the Manager appropriate to the complaint. The notification of the complaint must provide a description of the complaint or grievance in detail including relevant information such as names, dates, venues, course details, and any supporting documentation, as per the Complaint and Grievance Form.
- 2.2 The complainant must also indicate what actions they have already taken to resolve the complaint or grievance and indicate the outcome they are seeking.
- 2.3 If a formal complaint lacks sufficient information, it may not be possible for the Institute to investigate.
- 2.4 Upon receipt of the formal complaint or grievance a delegated officer will be appointed.
- 2.5 The delegated officer will investigate the complaint or grievance by:
 - 2.5.1 Validating the complaint;
 - 2.5.2 Verify the facts of the complaint;
 - 2.5.3 Obtain all the evidence related to the nature of the complaint, including policies and procedures;
 - 2.5.4 Conduct discussions and interviews with the relevant parties e.g., complainant and respondent.
- 2.6 Following the investigation phase, the delegated officer will:
 - 2.6.1 Analyse all the evidence gathered;
 - 2.6.2 Formulate the findings;
 - 2.6.3 Determine the outcome and any recommendations, these may include:
 1. Counselling;
 2. Mediation;
 3. Formal apology;
 4. Disciplinary action e.g., warning.
- 2.7 Review of the Institute's policies and procedures.
- 2.8 The delegated officer will prepare a response of the investigation and outcome of the complaint for the Institute's records and provide it to the Manager and Academic Board.
- 2.9 The complainant will be advised in writing of the outcome of the complaint or grievance investigation

including detailed reasons for the outcome, within 10 working days of the formal complaint or grievance being received.

2.10 The complainant will be advised of their right to access the appeals process if they are not satisfied with the outcome within 10 working days of the investigation concluding.

3. Appeals

3.1 All students have the right of appeal for a reversal, change or reconsideration of the decision where they are not satisfied with the decision.

3.2 Appeals must be submitted within 10 working days of the outcome received.

3.3 Upon receipt of an appeal, the Manager will arrange the appropriate SCEI-HE staff to:

3.3.1 Register the appeal in the appeals register;

3.3.2 Acknowledge receipt of the appeal in writing to the appellant within 2 working days of the appeal being received;

3.3.3 Refer the appeal to an independent review.

3.4 The reviewer will conduct all necessary consultations with the appellant and other relevant parties.

3.5 The appellant will be advised in writing of the outcome, including detailed reasons within 10 working days.

3.6 If the appeals process results in a decision or recommendation in favour of the appellant, SCEI-HE will, within 24 hours, implement the decision or recommendation and/or take preventive or corrective action required by the decision or recommendation and advise the appellant of that action.

3.7 Once the internal appeals process has been exhausted, the student has a right to seek an external appeal from bodies such as:

3.7.1 The Victorian Ombudsman <https://www.ombudsman.vic.gov.au/complaints/>;

3.7.2 The Overseas Students Ombudsman <https://www.ombudsman.gov.au/complaints/international-student-complaints>;

3.7.3 The Administrative Appeals Tribunal (FEE-HELP) <https://www.aat.gov.au/>

3.7.4 The Resolution Institute's Expert Determination service <https://resolution.institute/Web/Web/About-Us/About-Us-Landing-Page.aspx?hkey=5428825c-8ac6-460c-90eb-6020dc8fef9d>.

3.8 There is no cost to students for internal appeals. SCEI-HE will pay 50% of any financial expenses incurred to students from external appeals processes.

RELATED DOCUMENTS

Student Charter HEMIS14

Academic Misconduct Policy and Procedure HEPP02

Academic Appeals Policy and Procedure HEPP05

Student Conduct Policy HEPP07

Student Progress and Exclusion Policy and Procedure HEPP29

LEGISLATIVE CONTEXT

Age Discrimination Act 2004

Charter of Human Rights and Responsibilities Act 2006 (Vic)

Disability Discrimination Act 1992

Education Services for Overseas Students Act 2000

Equal Opportunity Act 2010 (Vic)

Higher Education Support Act 2003

National Code of Practice for Providers of Education and Training to Overseas Students 2018, Standard 10

Occupational Health and Safety Act 2004 (Vic)

Privacy and Data Protection Act 2014 (Vic)

Protected Disclosure Act 2012 (Vic)

Racial Discrimination Act 1975

Sex Discrimination Act 1984



RESPONSIBILITIES

Management

- Promoting a culture that encourages the efficient, timely and effective management of all complaints and/or grievances.
- Publicising how and where complaints and grievances can be made.
- Ensuring confidentiality to all parties involved in the complaint and/or grievance.

Delegated Officer

- Conducting a thorough investigation into all formal complaints and grievances received.
- Communicating to relevant parties.
- Ensuring confidentiality.

Students

- Promptly attempt to resolve any complaints or grievances using an informal process.
- Cooperating with the formal reporting and investigation process of any complaints and/or grievances.
- Abide by the Student Charter and Student Conduct Policy.

DOCUMENT AND RECORD CONTROL

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