

# Domestic Student Complaints and Appeals Policy and Procedure

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## 1 Purpose and Scope

This policy outlines AIE's informal and formal academic and non-academic complaints and appeals processes for domestic [learners](#). It also defines [harassment](#) and how it relates to learner [grievances](#).

This policy applies to all staff involved in the domestic learner grievance process.

## 2 The Policy

Learners are encouraged to resolve their grievances by using AIE's complaints and appeals process. Learners may choose to use an advocate (such as a counsellor or student association representative) to assist in resolving the matter. Assistance and advice may be obtained from the [Australian Skills Quality Authority \(ASQA\)](#) and/or the [Australian Human Rights Commission](#). Learners accessing VET Student Loans may also contact the [Commonwealth Ombudsman](#) for advice. AIE is also a member of [Resolution Institute](#), where learners can obtain [mediation](#) services should a grievance proceed to that stage.

AIE ensures that:

- a. All disputes, complaints and appeals will be handled professionally, equitably, confidentially, and in a timely manner, with a view to a achieving satisfactory resolution
- b. All parties will have a clear understanding of the steps involved in the complaints and appeals procedure, prior to and during the procedure by:
  - I. Providing learners with a copy of the learner complaints and appeals procedure via their *Learner Handbook*
  - II. Providing learners with a copy of the learner complaints and appeals policy and procedure via the AIE website
  - III. Ensuring relevant staff members are familiar with the learner complaints and appeals procedure
- c. A learner's enrolment will be maintained throughout the duration of the complaints and appeals procedure
- d. Accurate and complete records of all learner grievances and their outcomes are securely retained for a minimum of 5 years in the Student Management System (SMS)
- e. Accurate and complete records of all learner grievances and their outcomes are securely retained in the *Complaints and Appeals Register*.

## 3 Implementation

The Board of Directors is responsible for the approval of this policy after it has been drafted or reviewed by the National Compliance Officer.

The policy is to be implemented via induction and training of staff and distribution via the AIE intranet and other publications as required.

The learner complaints and appeals process within this policy is to be disseminated to learners via the *Learner Handbook*, which is provided to them at enrolment and is available on the AIE website and AIE's Learning Management System (LMS).

## 4 Procedure/s

### 4.1 Contact Officers

The contact officers for learners are AIE Administration staff.

### 4.2 AIE's Responsibilities

In handling a complaint or appeal, AIE must:

- a. Record the details of the grievance completely and accurately using the *Complaints and Appeals Checklist* and the *Complaints and Appeals Register* – these records are securely retained for a minimum of 5 years in the Student Management System (SMS) and Teams respectively, and parties associated with the complainant/appellant must be allowed appropriate access; this is in accordance with the *Privacy Act 1988* (Cth) and the Australian Privacy Principles
- b. Provide opportunity for the learner to be accompanied and assisted by a support person at any relevant meetings
- c. Provide opportunity for the complaint/appeal to be heard by an independent person/panel
- d. Act on every substantiated complaint.

### 4.3 Reasons for Complaints

A learner may feel it is appropriate to raise a formal complaint if they have experienced [bias](#), [discrimination](#), harassment, [bullying](#) and/or [vilification](#) based on their characteristics, such as: age; gender expression; religious, educational, cultural or ethnic background; disability; sexuality; socioeconomic background; linguistic background; marital status; and/or geographical location.

For a full definition of harassment, see [Appendix A](#).

#### 4.3.1 Academic Complaints

An **academic complaint** includes, but is not limited to: assessment, academic progress, course content, the quality of course delivery, academic achievement in a course of study or enrolment cancellation.

#### 4.3.2 Non-Academic Complaints

A **non-academic complaint** may relate to operational, administrative, discrimination, or harassment issues.

### 4.4 Reasons for Appeals

A learner may appeal a decision or outcome of a complaint if they feel:

- a. The process was unfairly handled
- b. There was undisclosed conflict of interest from the individual/s hearing the case
- c. They are not satisfied with the resolution, outcome or decision of the complaint process
- d. There is evidence of further discrimination in the complaint process.

## 4.5 Learner Complaints and Appeals Process

The learner complaints and appeals process follows 4 stages:

Table 1: AIE's learner complaints and appeals process.

STEP 1 Informal Complaint	STEP 2 Formal Complaint	STEP 3 Appeal	STEP 4 External Mediation
TIMEFRAME FOR LODGEMENT: As soon as possible after the incident	TIMEFRAME FOR LODGEMENT: Within 12 months of initial incident occurring	TIMEFRAME FOR LODGEMENT: Within 15 working days of receiving formal response to complaint	TIMEFRAME FOR LODGEMENT: After unresolved appeal
TIMEFRAME FOR COMMENCING ASSESSMENT: 10 working days	TIMEFRAME FOR COMMENCING ASSESSMENT: 10 working days	TIMEFRAME FOR COMMENCING ASSESSMENT: 10 working days	TIMEFRAME FOR COMMENCING ASSESSMENT: 10 working days
TIMEFRAME FOR RESOLUTION: 5 working days from commencement	TIMEFRAME FOR RESOLUTION: 15 working days from commencement	TIMEFRAME FOR RESOLUTION: 10 working days from commencement	TIMEFRAME FOR RESOLUTION: Subject to mediation schedule

Where AIE considers the resolution will take longer than the timeframes noted, AIE must:

- Inform the complainant or appellant in writing, including reasons why further time is required
- Regularly update the complainant or appellant on the progress of the matter.

See [Appendix B](#) for a flow chart of the complaints and appeals process.

### 4.5.1 Informal Complaint Process

Some complaints (such as those relating to an assessment result, an AIE service, a campus issue, or inappropriate behaviour) can be resolved quickly and informally. Learners must make an informal complaint as soon as possible after the incident.

Informal complaints follow this process:

- The learner speaks with their trainer, Administration or HOS/delegate to raise the issue; they may be accompanied by a support person in any face-to-face or associated discussions related to the complaint (such as videoconference or phone meetings)
- AIE staff must resolve the issue within 5 working days of commencing assessment and must keep the complainant informed throughout the resolution process
- A record of the informal complaint is noted in the SMS and the *Complaints and Appeals Register*.

If an informal complaint is not resolved within 5 working days of commencing assessment, AIE must notify the learner in writing, including reasons on why further time is required, and keep the complainant or appellant informed on the progress of the matter. At this point, the learner should consider whether to proceed to lodge a formal complaint.

#### 4.5.2 Formal Complaint Process

For learners must lodge a formal complaint within 12 months of the initial incident occurring.

Formal complaints follow this process:

- a. The learner completes the online *Complaints and Appeals Form* via the AIE website
  - I. If the complaint is of a personal or sensitive nature (such as discrimination, sexual harassment, victimisation or vilification), the learner can lodge their complaint verbally and confidentially; the learner may be accompanied by a support person in any face-to-face or associated discussions related to the complaint (such as videoconference or phone meetings)
- b. The HOS/delegate notifies the CEO as soon as practicable and commences investigations within 5 working days
- c. The HOS/delegate interviews the learner to:
  - I. Determine the details of the complaint
  - II. Determine if the learner has a preferred resolution to the complaint
  - III. Offer counselling and other support services while the complaint is investigated
- d. The HOS/delegate works with the learner (and/or mediates between the learner and other persons) to resolve the complaint within 15 working days from commencing assessment, if possible.

If a complaint is not resolved within 15 working days of commencing assessment, AIE must notify the learner in writing, including reasons on why further time is required, and keep the complainant or appellant informed on the progress of the matter. At this point, the learner should consider whether to proceed to the appeal process.

#### 4.5.3 Appeal Process

A learners request for appeal must be submitted within 15 working days of receiving the formal response to their complaint.

Appeals follow this process:

- a. Learner completes the online *Complaints and Appeals Form* via the AIE website; the appeal should include:
  - I. The learner's original formal complaint
  - II. Details of the reason(s) for appeal
  - III. Any avenues of conciliation already undertaken
  - IV. The learner's desired outcome
- b. The CEO creates a Complaints/Appeals Committee, composed of at least 3 people, such as:
  - I. A Director or independent Head of Faculty (as Chair)
  - II. A learner representative
  - III. A counsellor or other support person
  - IV. An independent AIE trainer from another stream
- c. The Committee meets within 10 working days of receipt of the appeal

- d. The learner may formally present their case to the Committee (they may be accompanied by a support person, if they wish)
- e. The Committee notifies the learner in writing of the outcome of the appeal within 10 working days of the hearing.

If the matter remains unresolved, a learner may opt for external mediation.

#### 4.5.4 External Mediation

External mediation services can be organised through [Resolution Institute](#), who can appoint an independent mediator to the learner's case. Learners can apply for external mediation through Resolution Institute by submitting an [Application](#). **Note that there is a financial cost, starting from \$440, split equally between the learner and AIE for the use of external mediation services through Resolution Institute.**

All parties must commit to resolving the complaint and sign an agreement agreeing to the outcomes. The agreement is drafted by the mediator.

#### 4.5.5 Further Support

Learners can escalate their complaints to or obtain assistance and advice from the [ASQA](#) and/or the [Australian Human Rights Commission](#). Learners accessing VET Student Loans may also contact the [Commonwealth Ombudsman](#) for advice.

### 4.6 Withdrawal of Complaints

A complaint can be withdrawn at any time during the process. A learner must request a withdrawal of the complaint in writing to the person handling the case. The investigation will stop and the matter will be deemed concluded.

In the event of a withdrawal, AIE will still keep secure records of the complaint using the *Complaints and Appeals Checklist* and *Complaints and Appeals Register* for at least 5 years in the SMS and parties associated with the complainant must be allowed appropriate access.

### 4.7 Continuous Improvement

An improvement action arising from the grievance will be recorded in the *Continuous Improvement Register*. This register will be reviewed by the National Compliance Officer and Heads of School at least 3 times per year and a report provided to the CEO. The CEO is required to report all complaint/appeals to the Board of Directors.

## 5 Definitions

### Bias

A prejudice in favour of or against a thing, person, group or institution compared with another. There are two types of biases:

- a. **Conscious bias** – also known as explicit bias, whereby an individual is aware of their bias and supports it through their speech and actions
- b. **Unconscious bias** – also known as implicit bias, whereby an individual is unaware of their bias and believes that their speech and actions are fair to all. [^](#)

### **Bullying**

Use of force, abuse, hurtful teasing, threats directed at an individual or group in repeated or single cases. Usually types of harassment can be categorised as bullying when of a repetitive nature. [^](#)

### **Discrimination**

Being unjust or treating a person (or persons) differently, especially on the grounds of their personal characteristics, including, but not limited to: age; gender expression; religious, educational, cultural or ethnic background; disability; sexuality; socioeconomic background; linguistic background; marital status; and/or geographical location. There are 2 types of discrimination:

- a. **Direct discrimination** – whereby someone is treated unfairly based on one of more of their characteristics
- b. **Indirect discrimination** – whereby a company policy or procedure is neutral for all employees, but in doing so it unreasonably disadvantages someone based on one or more of their characteristics, even if it was not the intention of the policy or procedure. [^](#)

### **Grievance**

A work-related grievance is any type of problem, concern or complaint where a someone believes that they have received unreasonable and/or unfair treatment. [^](#)

### **Harassment**

A wide range of behaviours of an offensive nature which can include sexual, verbal and non-verbal workplace and physical harassment. Usually it demeans, humiliates or embarrasses a person in a disturbing, unsettling or threatening way. See Appendix A for more information. [^](#)

### **Learner**

Learner is synonymous with student; however the term specifically denotes a person being trained and/or assessed by a Registered Training Organisation (RTO) for the purpose of issuing AQF certification documentation. [^](#)

### **Mediation**

A process in which disputing parties are assisted by a neutral third party (a mediator) to resolve the dispute. The mediator identifies the disputed issues, develop options for resolution and assists the parties to reach an agreement. A mediator's advisory role is limited to advice on the practice and process of mediation rather than the subject or content of the dispute. Mediation comes at a cost to each disputing party. [^](#)

### **Vilification**

A public act that could incite hatred, serious contempt or ridicule towards a person (or persons) of a specific group or who has a particular characteristic. [^](#)

## **6 Related Documents**

**The following internal documents are related to this policy:**

- a. Assessment Validation Checklist
- b. Complaints and Appeals Checklist
- c. Complaints and Appeals Form (AIE website)
- d. Complaints and Appeals Register
- e. Continuous Improvement Register

- f. Information and Records Management Policy and Procedure
- g. Learner Handbook
- h. Learning Management Policy and Procedure
- i. Privacy Policy and Procedure.

The following legislation and standards are related to this policy:

Jurisdiction	Legislation and Standards
<b>Commonwealth</b>	<i>Age Discrimination Act 2004 (Cth)</i> Australian Privacy Principles <i>Copyright Act 1968 (Cth)</i> <i>Disability Discrimination Act 1992 (Cth)</i> <i>Higher Education Support Act 2003 (Cth)</i> <i>Human Rights and Equal Opportunity Commission Act 1986 (Cth)</i> <i>Indigenous Education (Targeted Assistance) Act 2000 (Cth)</i> <i>National Vocational Education and Training Regulator Act 2011 (NVR Act) (Cth)</i> <i>Privacy Amendment (Private Sector) Act 2003 (Cth)</i> <i>Racial Discrimination Act 1975 (RDA) (Cth)</i> <i>Racial Hatred Act 1995 (Cth)</i> <i>Sex Discrimination Act 1984 (Cth)</i> <i>Standards for Registered Training Organisations (RTOs) 2015</i>
<b>Australian Capital Territory</b>	<i>Discrimination Act 1991 (ACT)</i> <i>Disability Services Act 1991 (ACT)</i> <i>Human Rights Act 2004 (ACT)</i>
<b>New South Wales</b>	<i>Anti-Discrimination Act 1977 (NSW)</i> <i>Disability Inclusion Act 2014 (NSW)</i>
<b>Northern Territory</b>	<i>Anti-Discrimination Act 1992 (NT)</i> <i>Anti-Discrimination Regulations 1994 (NT)</i> <i>Disability Services Act 2012 (NT)</i>
<b>Queensland</b>	<i>Anti-Discrimination Act 1991 (Qld)</i> <i>Disability Services Act 2006 (Qld)</i>
<b>South Australia</b>	<i>Disability Services Act 1993 (SA)</i> <i>Equal Opportunity Act 1984 (SA)</i> <i>Racial Vilification Act 1996 (SA)</i>
<b>Tasmania</b>	<i>Anti-Discrimination Act 1998 (Tas)</i> <i>Disability Services Act 2011 (Tas)</i> <i>Sex Discrimination Act 1994 (Tas)</i>
<b>Victoria</b>	<i>Change or Suppression (Conversion) Practices Prohibition Bill 2020 (Vic)</i> <i>Charter of Human Rights and Responsibilities Act 2006 (Vic)</i> <i>Disability Services Act 2006 (Vic)</i> <i>Equal Opportunity Act 2010 (Vic)</i> <i>Racial and Religious Tolerance Act 2001 (Vic)</i>
<b>Western Australia</b>	<i>Criminal Code Act Compilation Act 1913 (WA)</i> <i>Disability Services Act 1993 (WA)</i> <i>Equal Opportunity Act 1984 (WA)</i>

## 7 Review

This policy will be reviewed annually by the National Compliance Officer.

## 8 Revision History

Version No.	Version Description	Contributor(s)	Approval Authority	Date Revised/ Approved
0.1	First draft, combining and updating several older policies.	Nick Markesinis (Intranet Content Coordinator)	-	27 September 2021
1.0	Interim approved and uploaded to MyAIE.	-	CEO	22 October 2021
1.1	Updates to bring process into alignment with <i>International Student Complaints and Appeals Policy and Procedure</i> , though being domestic-specific. Approved by BOD with minor amendments.	Nick Markesinis (Intranet Content Coordinator)	BOD	Revised: 18 November 2021 Approved: 19 November 2021

## Appendix A: Identifying Harassment

Harassment can be defined as offensive, belittling or threatening behaviour directed at an individual or group. Harassment is behaviour that is unwelcome, unsolicited, usually unreciprocated and usually (but not always) repeated. Harassment is often focused on the sexual, cultural or racial background or disability of the individual or group.

For harassment to occur there does not have to be an intention to offend or harass.

Moreover, harassing behaviour may be of a minor nature. Individual incidents may seem too trivial to warrant attention, or the person subjected to harassment may seem unaffected. Where the behaviour continues over a period and it is not addressed, however, such behaviour can undermine the standard of conduct.

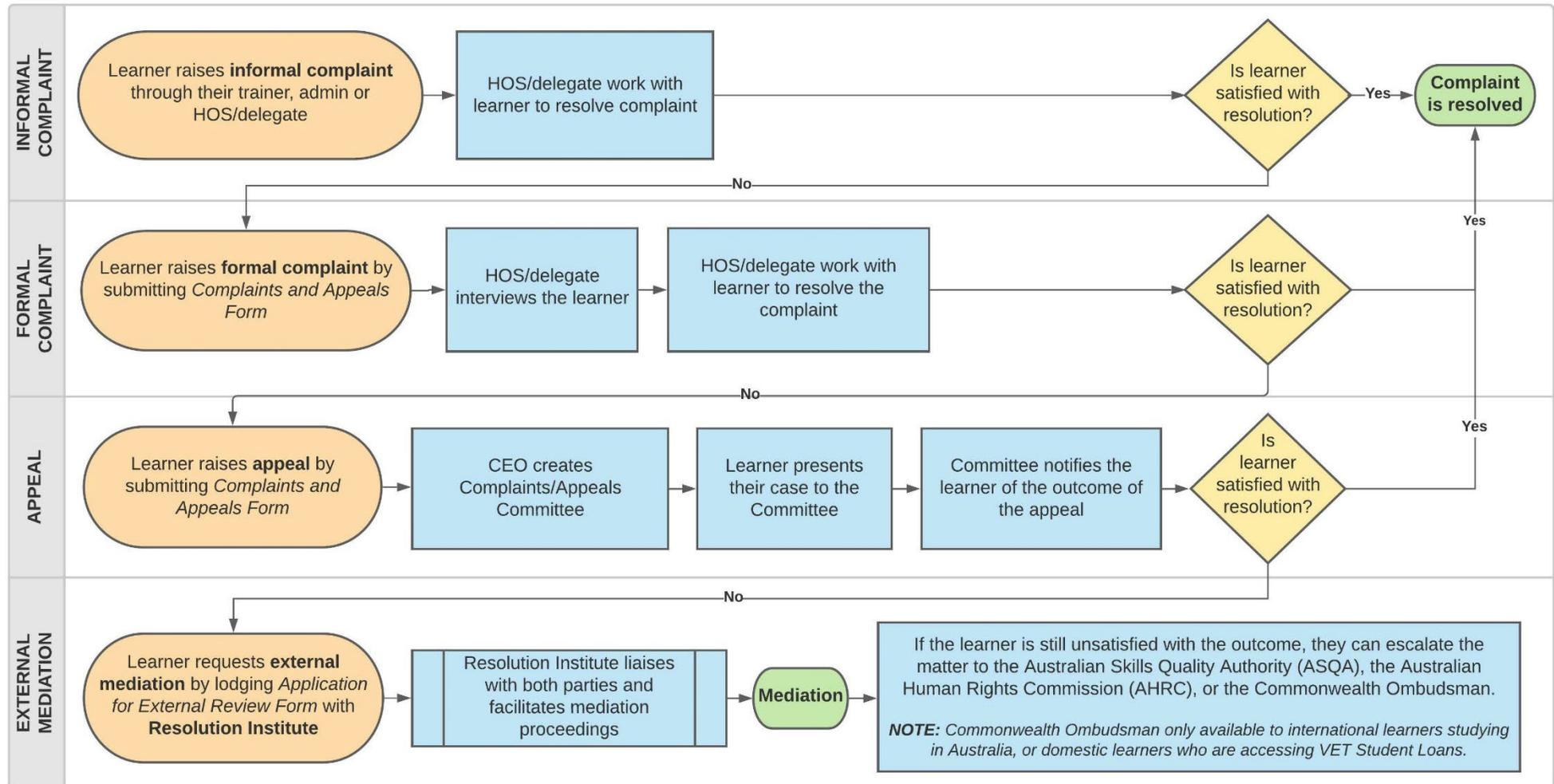
Examples of harassing behaviour include:

- a. Offensive physical contact, derogatory language or intimidating actions
- b. Insulting or threatening gestures or language (overt or implied) or continual and unwarranted shouting
- c. Unjustified and unnecessary comments about a person's work or capacity for work
- d. Openly displayed pictures, posters, graffiti or written materials which might be offensive to some
- e. Phone calls or messages on electronic mail or computer networks which are threatening, abusive or offensive to students/staff
- f. Sexual harassment, which can consist of any or all of the following:
  - I. Unwelcome comments about a person's sex life or physical appearance
  - II. Suggestive behaviour such as leering or ogling
  - III. Unnecessary familiarity such as deliberately brushing up against a person
  - IV. Sexual jokes, offensive telephone calls, photographs, reading matter or objects
  - V. Sexual propositions or continual requests for dates
  - VI. Physical contact such as touching or fondling
  - VII. Indecent assault or rape (which are also criminal offences).

AIE recognises that in any area of human interaction, the boundaries of what constitutes harassment may vary from one individual to another. In addition, individuals may have different boundaries for different relationships. It is the responsibility of each learner and staff member to recognise and respect the boundaries set by others.

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## Appendix B: Complaints and Appeals Flow Chart



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