



Student Complaints and Appeals Procedure

Purpose

This document sets out the processes and procedures for prospective and current students to lodge a complaint and the steps that will be taken by Victorian School of Commerce (VSC) to deal with the complaint and achieve the best possible outcome for the student. The procedure should be read in conjunction with the *Student Complaints and Appeals Policy*. It describes the main steps to be undertaken so that complaints and appeals from students can be resolved in compliance with the requirements of the accreditation authorities relevant to VSC.

Scope

These procedures apply to all students of VSC, current and prospective, agents and other affiliations as well as the staff who will deal with complaints and appeals.

Definitions

Appeal - An application which is made by a student to have a decision reviewed that may affect the student's study, progression or wellbeing.

Complainant is the student who makes or raises a complaint and who is seeking a resolution

Complaint is an issue raised by a student where the student deems there to be an oversight or lack of equity and justice from staff or other students or administration. Complaint may be academic or non-academic or personal in nature. A complaint may also arise if a student is not satisfied with the outcome of a misconduct inquiry.

Formal Complaint means the complaint is issued in writing because it cannot be resolved by the Informal Complaint process.

Informal Complaint is a complaint by a student that is dealt with directly between the complainant and other person/s involved and is resolved without a Formal Complaint being raised.

Respondent refers to the staff member or members against whom the complaint has been made

Procedure

VSC takes seriously any complaint made by a student, whether it be related to academic work or a personal issue. *Student Complaints and Appeals Policy and Procedure* will be included in the marketing materials to inform prospective students about the available avenues to lodge complaints or raise appeals in necessary circumstances. Information regarding grievances, complaints and appeals policies and procedures will also be available on the VSC's website, student handbooks, student portal, Learning Management System (LMS) and subject outlines. Designated staff will go through this information during the New Student Orientation to ensure the new students understand the policy and procedure. VSC will also provide all current students with access to Complaints and Appeals policy and procedure.

Student Complaints and Appeals Policy and Student Complaints and Appeals Procedure will be included in the Staff Handbook to ensure all employees including new staff, sessional lecturers and contract staff are aware of the policy and procedure.

Confidentiality and Privacy are essential when staff of VSC are dealing with a complaint. This



applies to all parties who are involved including the complainant, the respondent and the staff assigned to investigate.

VSC is committed to fair, objective and equitable handling of any complaints.

If the complaint is related to student academic misconduct it will be dealt with under the *Academic Integrity Policy*.

The process and procedure for dealing with academic complaints (listed in the *Student Complaints and Appeals Policy*) is set out as follows:

- Informal Complaint
- Formal Complaint
- Investigation of Formal Complaint
- Initial Outcome of Formal Complaint
- Internal Appeal Official Outcome
- Outcome of Internal Appeal
- External Appeal and Review

1. Informal Complaint

Before lodging a formal complaint, students are encouraged to speak directly with the person concerned and to attempt to resolve the situation amicably and fairly. Students may also seek the support of a staff member or student representative to mediate the conversation around an informal complaint. Students are allowed to be accompanied and assisted by a support person other than a student representative at any relevant meetings. Informal Academic complaints may include but not be limited to the following:

- Enrolment in courses or units.
- Progression
- Outcomes of Assessments
- Final grade appeal
- Outcomes of special consideration applications
- Prior learning recognition
- Graduation eligibility
- Decisions that may be related to academic misconduct or integrity (e.g. plagiarism)

Students ought to raise any informal complaint within 20 business days of the incident occurring. In accordance with VSC's *Student Complaints and Appeals Policy*, VSC will commence assessment of the complaint or appeal within 10 working days of it being made and will give an outcome within 5 business days thereafter. If the complaint relates to enrolment or progression in the course or unit in which the student is enrolled or any other academic matter, the student is encouraged to



speak with the relevant academic member (lecturer and/or tutor) or alternatively, if the student feels more comfortable in doing so, the Course Coordinator. The decision maker in this informal process is the person with whom the student raises the complaint at first instance. In the instance that the complaint is about or related to the academic member, the matter will be referred to their supervisor, or ultimately the Course Coordinator or Dean.

If the issue is related to grades or marks in their assessment the student is recommended to speak directly with the academic coordinator of the unit and request a remark. Both parties agree on a timeframe in which this is done. The decision maker in this informal process is the academic coordinator of the relevant unit with whom the student raises the complaint at first instance. If the outcome is not satisfactory for the student, they may then lodge a formal complaint.

Students may ask for the support of the Student Representative to achieve an outcome which best serves their interest in the informal complaint process. If matters are unable to be resolved through the informal complain process, then the student needs to lodge a Formal Complaint and use the Student Complaint Form which is accessible in their Handbook. Human Resources may also direct the student to internal mediation and provide support.

2. Formal Complaint

In lodging a formal complaint, the student will initiate within 20 business days from the first occurrence of the relevant matter using the Complaint form. A complaint may be lodged outside of the 20 business day period on the basis of exceptional circumstances which includes but is not limited to circumstances such as death, family grievance, serious medical injury or condition or other significant circumstances beyond the student's control. Each case will be determined on an individual case-by-case basis. No student shall be prejudiced in the instance that the complaint is lodged outside of the regular timeframe.

The Complaint form will outline the nature of the complaint, what they had done to resolve the issue informally prior this formal process and the outcome they desire. Where a student has attempted to resolve a complaint informally, the time for lodging the formal complaint shall commence after any outcome of that informal process and no student shall be disadvantaged by having attempted informal resolution of the complaint.

Evidence must also be provided so that a fair and equitable outcome can be reached.

The Student Support Services will ensure the complaint is written into the *Complaints Register* and then referred to the person most appropriate to deal with it. Depending on the nature of the complaint (either academic or non-academic), the matter will be referred to the Dean (academic) or the Administration Manager (non-academic) and that person will explain the process by which the complaint will be resolved (in accordance with clause 3 below). The student may again seek the assistance of the Student Representative if they need advice or support in the preparation of the formal complaint. Students are allowed be accompanied and assisted by a support person other than a student representative at any relevant meetings. Formal complaints and appeals will be resolved without charge or cost to the student.

3. Investigation of Formal Complaint

The person charged with gathering evidence will complete a written report (the investigation report) within 15 business days of the Formal Complaint being lodged. The complainant will be informed of the outcome, how they came to this resolution and the evidence behind it.



The student will be given an opportunity to formally present the case in-person face-to-face (to the person handling the complaint) and may discuss this with the Student Representative or with the Student Support Services. The Student Representative may also accompany the student as a support person at any meeting. The student will be notified of a day and time at which they will be given the opportunity to attend before the person handling the complaint and will be able to make both oral and written submissions to the investigator. The Student Representative may also assist the student as a support person in writing or presenting their case. Students are allowed to be accompanied and assisted by a support person other than a student representative at any relevant meetings. Any oral or written submissions will be kept on the student file as a record of their case.

The student is responsible to remain enrolled during the resolution process. VSC will also maintain the student's enrolment throughout the resolution process.

4. Initial Outcome of Formal Complaint

The student will be provided with an initial outcome of the formal complaint in writing within 10 business days from the date of the decision including details of the reasons for the outcome. The investigation report will not be circulated to staff other than the supervisor of the person investigating the complaint (in the case of the CEO, the Chair of the Board of Directors). If the outcome of formal complaint results in a decision or recommendation in favour of the student, VSC will immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the student of that action. The outcome will be recorded into the Complaints Register and on the student's file.

5. Internal Appeal of Official Outcome

If the student is not satisfied with the initial outcome of formal complaint, the student will be informed at the same time in writing that an internal appeal can be made to a higher level and can be taken to the person senior to the Investigating Officer, for example the CEO or the Dean. If the decision maker of the formal complaint is the Dean or the CEO, the internal appeal shall be made to the Chair of the Academic Board or the Chair of the Board of Directors (as appropriate). The student will be informed that they are entitled to seek an internal appeal of the Formal Complaint, by completing a Request for Internal Review Form (which shall provide the student the opportunity to submit why the decision ought to be internally reviewed). The Appeal must be lodged in writing within 10 business days of receiving the written initial outcome of formal complaint. The student must be given access to appropriate mediation resources. The student will also be given the opportunity to make submissions in person before the internal appeal decision maker.

The student will be given an opportunity to formally present the case in-person face-to-face (to the person handling the appeal) and may discuss this with the Student Representative or with the CEO. The Student Representative may also accompany the student as a support person at any meeting. The student will be notified of a day and time at which they will be given the opportunity to attend before the person handling the appeal and will be able to make both oral and written submissions to the decision maker of the internal appeal. The Student Representative may also assist the student as a support person in writing or presenting their case. Students are allowed to be accompanied and assisted by a support person other than a student representative at any relevant



meetings. Any oral or written submissions will be kept on the student file as a record of their case.

6. Outcome of Internal Appeal

The person responsible for reviewing the Appeal will need to provide a written report. The evidence and the outcomes and factors which impinge on the case need to be taken into account. The student must be notified of the outcomes through written communication within 15 business days of the review. The report will be copied to the student file and will only be circulated to the members of the Academic Board or the Board of Directors depending on the nature of the complaint.

If the outcome of the internal appeal results in a decision or recommendation in favour of the student, VSC will immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the student of that action.

If the outcome is not in favour of the student and the student is not satisfied with the Internal Review they are recommended to apply for an external review. If the student does not proceed with external appeal, VSC will immediately implement any decision and corrective or preventive action following the outcomes from the Internal Appeal. The outcome will be recorded into the Complaints Register and on the student's file.

If the student is not successful in the internal complaints handling and appeals process, VSC will advise the student within 10 working days of concluding the internal review of the student's right to access an external complaints handling and appeals process at no cost to student.

7. External Appeal and Review

Depending on the nature of the complaint there are a number of avenues for an external review of the students' complaint. For a review of the decision, the student may seek at first instance, mediation of the decision through the Resolutions Institute's Student Mediation Scheme, and further if unsuccessful, an expert determination through the Resolution Institute's Expert Determination Scheme, both at no cost to the student.

Resolution Institute

Since 2002, the Resolution Institute has administered the Student Mediation Scheme providing education and training institutions with an external appeals process. The scheme allows a member educational and training institution or its student to refer to Resolution Institute as the external review body once its internal grievance system has been exhausted. They appoint a suitably qualified mediator, liaise between the parties as necessary and manage the process.

If the outcome of the mediation results in a decision or recommendation in favour of the student, VSC will immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the student of that action.

Failing a satisfactory outcome to the student, they may opt to further pursue Expert Determination



with the Resolution Institute. The Expert Determination process is provided to allow the student to “Choose expert determination when your dispute is technical or specialised and you want an independent expert to make a decision for you.”

The process will be paid for by VSC and **at no cost to the student** whatsoever. VSC will be bound by the determination made by the Resolution Institute. If the determination made by the Resolution Institute results in a decision or recommendation in favour of the student, VSC will immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the student of that action.

The student’s enrolment will be maintained during External Appeal and Review. Once the External Appeal and Review is completed, the outcome must be entered into the Complaints Register and recorded on the student’s file. The Dean and the CEO will monitor and annually review the complaints and appeals as part of their continuous improvement process.

Further details about each process can be found at the website of Resolution Institute at <https://www.resolution.institute/>

Contact details of Resolution Institute

Suite 602, Level 6

Tower B, Zenith Centre

821–843 Pacific Highway

Chatswood NSW 2067

Ph: +61 2 9251 3366; 1800 651 650

Email: infoaus@resolution.institute

Website: <https://www.resolution.institute/>

Withdrawal of a Complaint or Appeal

The student may withdraw a complaint or appeal at any time during the resolution process. The withdrawal must be made in writing. The student will receive a written acknowledgement of the withdrawal of the complaint or appeal. The matter will be concluded and deemed to be resolved.

Further options

Alternate to the external review processes outlined above, students may consider option about making complaints to a relevant regulator or other body in respect to any complaint about VSC’s decision making or other relevant processes. Some options include, but are not limited to:

Nature of complaint	External agency
Discrimination, sexual harassment, victimisation, vilification	Australian Human Rights Commission Victorian Equal Opportunity & Human Rights Commission



Nature of complaint	External agency
FEE-HELP/HECS-HELP, intellectual property rights, matters relating to competition and consumer legislation	Administrative Appeals Tribunal OR Australian Competition and Consumer Commission (ACCC)
Refunds, contracts such as Letter of Offer, Terms and Conditions of Enrolment	Consumer Affairs Victoria
Campus safety	Worksafe Victoria
VET FEE-HELP scheme	Commonwealth Ombudsman
Privacy breach and refunds	Victorian Civil and Administrative Tribunal (VCAT)
Higher Education Standards, ESOS and National Code compliance	TEQSA

It is to be noted that VSC promotes equity, choice and diversity for all students and always seeksto resolve any complaints in the best interest of the student, and for their welfare.

Related policy instruments

Bullying Discrimination and Harassment Prevention Policy

Aboriginal and Torres Strait Islander Peoples Policy

Acceptable Use of Resources Policy

Equity and diversity Policy

Facilities Resources and Infrastructure Policy

Health and Safety Policy (Staff and Students)

Student Orientation Policy

Student Orientation Procedure Student

Wellbeing and Support Policy

Student Wellbeing and Support Procedure

Enrolment Policy

Feedback Policy and ProcedureConflict of Interest Policy

Admissions Policy

Admissions Procedure

Student Refund Policy

Student Refund Procedure

Academic Integrity Policy

Assessment and Moderation Policy

Credit and Recognition of Prior Learning Policy

Credit and Recognition of Prior Learning Procedure

Student Complaints and Appeals Policy



Privacy Policy

Related documents and legislation

Tertiary Education and Quality Standards Act (TEQSA Act) Higher

Education Standards Framework (HES Framework) Education

Services for Overseas Students Act (ESOS Act) 2000

National Code of Practice for Providers of Education and Training to Overseas Students (National Code) 2018

Administration

Revision History

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0.1	15/04/2019	Board of Directors	
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