

Grievances, Complaints and Appeals Handling Policy

Scope

This policy was developed for Kaplan Higher Education Pty Ltd, hereby referred to as 'Kaplan'.

This policy applies to:

- all current students who have accepted Kaplan's Conditions of Enrolment;
- all applicants who formally applied to be enrolled at Kaplan;
- any third-party providing services on Kaplan's behalf to current or prospective students at Kaplan, should Kaplan enter into a third party agreement;
- all staff members involved in the grievances, complaints and appeals process.

This policy is to be used in the management of all grievances, complaints and appeals relating to all aspects of a student's educational experience and learning environment at Kaplan.

Purpose

The purpose of the *Grievances, Complaints and Appeals Handling Policy* is to provide:

- a framework for managing complaints and appeals;
- a procedure for investigation of complaints and appeals;
- a fair, equitable and confidential means of resolving complaints and appeals.

This policy follows the guidelines of the Higher Education Standards Framework (Threshold Standards) 2015, Section 2.4 (Standards 2.4 1 – 2.4.5) as well as other relevant legislation.

Definitions

A **grievance** is defined as "cause for complaint, especially of unjust treatment". Common sense should be used before expressing a grievance. The fact of failing a course or a particular assessment is not itself a grievance. There has to be an element of unfairness involved. It doesn't have to be a failure – if a student has been unfairly given a mark that is lower than they deserve, and the academic staff member will not correct this, then the student may have a grievance.

Grievances typically fall into two categories:

- minor issues that are suitable to be addressed informally and usually resolved easily by having a discussion with a staff member to clarify a misunderstanding;
- those involving a formal process for resolution – such grievances are known as a "complaint" or a "formal complaint", to distinguish them from matters that are resolved informally.

A **complaint** is an expression of dissatisfaction by a student* or person, as described in the scope of this policy (hereafter referenced as the complainant) about an issue related to a Kaplan qualification, or an individual associated with Kaplan which requires review,

investigation or action. All students are entitled to access the complaints process. Activities which may give rise to academic and/ or non-academic complaints covered by this policy are listed below:

- Academic programs (content or structure);
- Subject enrolment, delivery, assessment, learning environment; outcomes, access to resources;
- Student services and their processes (including contractor or employee conduct);
- Individuals who believe that they have been treated unfairly on the grounds of access and equity;
- Occupational health and safety concerns related to subject delivery and/or assessment; Administrative action/inaction, procedure or decision.

An **appeal** is a process whereby following the final outcome of a formal complaint being lodged by a student, the student disputes a decision, determination or penalty made by Kaplan.

**Note: Students may include prospective students who have had some interactions with Kaplan (eg. applied directly to Kaplan for a course), current students (irrespective of mode of participation) and past students (within 12 months from the date students cease to be enrolled with Kaplan).*

Policy Principles

Complaints will be addressed based on their particular circumstances, however the following general principles will also be adhered to:

- All complaints will be made and dealt with in a timely manner according to the complaints process.
- Resolution of a complaint may be reached at any stage. Upon resolution all further investigation ceases, unless, in the interests of improving the services, products or processes the manager involved in the investigation or resolution considers further investigation is warranted.
- Details of the complaint, its investigation and outcome will be documented and filed appropriately and can be requested at any stage of the process by the complainant or respondent.
- In the event of a complaint not being resolved internally, Kaplan and the complainant may appoint an independent arbiter to review the complaints and recommend a solution
- Complainants have a right to appeal if they believe their complaint has not been adequately resolved.
- There shall be no charges payable in relation to the lodgement of a grievance, complaint or appeals by a student or prospective student.
- The complainant and respondent will not be victimised or discriminated against in any manner and all details of the complaint and subsequent investigation will remain strictly confidential.
- A student may seek confidential, independent professional advice at any stage of a complaint.
- The complainant and respondent may bring one person (such as a friend, family member, counsellor or other support person) to support them to any meetings during the complaint process. The support person cannot be a legal practitioner and the student is obliged to notify Kaplan that the person will be attending before the meeting.

- Students will continue their studies as usual during the complaint process, except in circumstances where their health or safety is potentially at risk or if they pose a health or safety risk to others.
- The outcome of each complaint and appeal will be analysed and recommendations for improvement of services will be recorded in the “Complaints Register” and implemented throughout Kaplan’s operations.
- Complaints and appeals that are frivolous, unreasonable, or lacking substance will be dismissed.

Grievance and Complaint Process

Stage 1: Grievance received

In the first instance, issues relating to the grievance should be raised informally with a Student Experience Adviser, this can be done verbally or in writing. If the grievance cannot be resolved, the matter will be referred to the Student Resolutions team. If the student is not satisfied with the resolution of the grievance, a formal written complaint may be lodged with Kaplan.

Stage 2: Lodging a Formal Written Complaint

All formal complaints (including complaints related to assessment outcomes) must be submitted in writing within ten (10) working days of the incident.

In exceptional circumstances e.g. where a complainant is unable to provide a written submission due to a special circumstance requiring reasonable adjustments, Kaplan may allow a formal complaint to proceed.

When lodging a formal complaint, the complainants should complete the Complaint Form located on Kaplan’s website. To assist in the resolution of a complaint, the complainant is advised to include the following information when communicating their complaint.

- If lodging form via email, use the word “Grievance” or “Complaint” in the email subject line
- If applicable, identify the subject/course and study period
- Summarise the issues relating to the complaint
- Provide any evidence of attempts to resolve the complaint – emails, examples, dates, times etc.
- Specify the outcome that is being sought.

Formal written complaints should be sent to the relevant address below:

Manager, Student Resolutions
Kaplan Professional Education
Level 4, 45 Clarence Street Sydney, NSW 2000
Email: studentadvice@kaplan.edu.au

The complainant will receive written confirmation within five (5) working days that their written complaint has been received.

Stage 3: Investigation of Complaint

Upon receipt of a formal complaint, details will be recorded on Kaplan's Complaints Register. All complaints will be investigated within ten (10) working days of it being received or as soon as practicable (depending on the nature of the complaint) and resolved by the appropriate manager and in accordance with this Policy. Investigation of these complaints may involve:

- reviewing worked examination papers or assignments
- reviewing course materials or resources
- consulting other course participants
- reviewing academic processes course evaluations
- reviewing processes if the complaint relates to an administrative or financial matter (such as enrolments and fee refunds);
- reviewing information provided if the complaint relates to bullying and/or harassment;
- review potential unfair treatment of individuals on grounds of access and equity;
- review processes if there are WHS concerns regarding delivery of courses and/or assessments;
- speaking to relevant Kaplan staff members to obtain further information.

Where possible, complaints will be resolved promptly.

Stage 4: Interview conducted

Where there are grounds for further investigation of a complaint, particularly where it relates to learning, assessment or access and equity, a formal interview or meeting with the student/s involved in the complaint may be conducted to agree on an appropriate resolution.

Stage 5: Resolution of Complaint

Once the investigation has been conducted and a determination made, the complainant will receive a written response from Kaplan detailing the actions taken in response to the complaint and reasons of the outcome. This will usually occur within ten (10) working days of acknowledgement of the complaint, or as soon as practicable (depending on the nature of the complaint). If for some reason the investigation or determination takes longer, the student will be advised in writing.

If Kaplan receives no communication from the complainant within ten (10) working days of the date the written response is sent, the complaint will be considered closed, except in exceptional circumstances.

Any determination made in relation to a formal complaint will be documented in the Complaints Register.

Appeals Process

Stage 1: Submitting an Appeal

Right to Appeal

Following the final outcome of a formal complaint having been lodged by the complainant, the complainant subject to a determination in relation to a complaint, who believes that they have grounds for appeal, is entitled to appeal that determination. For academic matters, the matter is escalated to the Appeals Committee of the Academic Board. Non-academic matters will be referred to the Head of Student Experience or delegate for final determination.

Notice of Appeal

If a complainant decides to appeal a determination, they must lodge a written “*Notice of Appeal*” form, located on Kaplan’s website, within ten (10) working days of the determination being made.

The “*Notice of Appeal*” must set out the grounds of appeal and provide evidence supporting the grounds of appeal or any new information not previously provided in support of the complaint. It should also specify the outcome sought.

There is **no cost** incurred for the appellant during the appeals process and parties will not be discriminated or victimised during the complaint process.

Failure to provide a completed “*Notice of Appeal*” form may result in the appeal not being heard.

Grounds of Appeal

An appeal of a determination may be made on one or more of the following grounds:

- that new evidence of a relevant nature is available; or
- that the decision was made without due consideration of relevant facts, evidence or circumstances; or
- that there was bias, prejudice or a conflict of interest by the investigative or hearing body; or
- that some significant policy/procedural irregularity occurred in the investigative or hearing process.

Students may not Appeal against Academic Results based on:

- the subject structure and assessment methods;
- student workload or the amount of work the student has done;
- financial implications of not passing the unit;
- grades received by the student in other units;
- the need for additional marks to enable a pass/better grade.

Stage 2: Investigation of Appeal

Formation of the Appeals Committee

The Academic Board appoints the Appeals Committee. It will comprise at least three (3) members of the Academic Board and must not include any member who has:

- a personal involvement or connection with the student, or with the matters to be heard, or
- been involved in any activity that has or could potentially lead to bias, prejudice or a conflict of interest or would lead a reasonable person to conclude a bias, prejudice or conflict of interest in relation to the complaint.

The membership may also include a non-voting secretary to the Appeals Committee who is charged with keeping records of the hearing.

Duties of the Chair of the Appeals Committee or Head of Student Experience

On receiving the appeal application, the Chair of the Appeals Committee or Head of Student Experience or delegate in the case of a non-academic matter, will review the application and determine whether to grant or dismiss the application.

If the Chair or Head of Student Experience or delegate believes there are no grounds for appeal, or that the appeal is lacking in substance or is frivolous or vexatious, the appeal may be dismissed without proceeding to hearing in the case of the Appeals Committee. For non-academic matters, the Head of Student Experience or delegate's determination is final and must be communicated to the student in accordance with the standards set out in this Policy. Where an appeal application is dismissed, appellants will receive written notification within five (5) working days of the decision and informed of further appeal avenues.

Stage 3: Appeal Hearing (only for academic matters)

If the Chair decides to proceed with the appeal, a meeting of the Appeals Committee will be convened within a reasonable time, which will normally not be more than ten (10) working days after the Notice of Appeal.

Duties and Powers of the Appeals Committee

The Appeals Committee will determine the general conduct of the appeal hearing and the procedures to be adopted, as it thinks fit, based on general principles of natural justice and procedural fairness.

The Appeals Committee has the power to:

- Hear the appeal in relation to the determination of the complaint
- Review, uphold, dismiss or vary the determination of the complaint
- Refer the matter back to Kaplan for further inquiry and determination.

The Appeals Committee will consider all documentation submitted in connection with the appeal, including any written submissions from the student and any representative of Kaplan. The Appeals Committee may also refer to documentation or evidence tendered during the investigation or hearing as well as any other information relevant to the appeal. A member of the Kaplan staff may, on behalf of Kaplan, defend the original determination.

At the appeal hearing, the appellant concerned may be accompanied or assisted by a third party if so desired, but must advise Kaplan prior to the hearing if they intend to do so. Both parties, the appellant and Kaplan may not appoint a legal representative to represent them at the appeal hearing.

The Appeals Committee may reasonably adjourn at any time during the appeal hearing to consider any matter it deems relevant.

Stage 4: Resolution of Appeal

Appeals Committee or Head of Student Experience Decision

At the completion of the hearing, the Appeals Committee or the Head of Student Experience must decide and communicate the outcome to Kaplan within five (5) working days of the hearing.

The Appeals Committee or Head of Student Experience or delegate's decision will be forwarded to the Manager, Student Resolutions or their delegate, who will communicate the outcome in writing to the appellant usually within ten (10) working days of the decision being made or as soon as practicable (depending on the nature of appeal). If for some reason, the investigation or determination takes longer, the appellant will be advised in writing. Kaplan is also responsible for enacting any recommendations made.

The appellant may withdraw their appeal at any stage in the process. If the appellant does this no further appeals will be accepted and the appeal will be deemed resolved.

Upon upholding an appeal of a complaint, the Appeals Committee or Head of Student Experience or delegate, as appropriate, may determine what action is to occur. Where the Appeals Committee or Head of Student Experience or delegate dismiss an appeal, the original determination is confirmed and may be processed along with any recommendation originally made.

The proceedings and decision of an appeal will be kept private and confidential, as outlined in Kaplan's *Privacy Policy*. An appellant may request access to records of the hearing and reasons for the determination. A decision of the Appeals Committee and Head of Student Experience or delegate is final and binding on all parties. The appellant may pursue relevant action available to them under Commonwealth or State legislation.

External Independent Review

If the appellant wishes to appeal the decision of the Appeals Committee or Head of Student Experience, the appellant will have twenty (20) working days to request an external review from the date of their letter notifying the outcome of Kaplan's decision on their appeal.

An external appeal should only be made after all internal appeal processes under this Policy have been addressed. However, at any part in the complaints or appeals process the complainant/appellant may refer the matter to an external agency.

All students may request mediation or an external review through the Resolution Institute <https://www.resolution.institute/>. A student Mediation Scheme Information Kit can be obtained from the Resolution Institute, currently to be found at following link: <https://www.resolution.institute/resolving-disputes/tertiary-student-au>.

Mediation and external reviews will be conducted in accordance with the Resolution Institute Mediation Rules, currently to be found at following link:
<https://www.resolution.institute/documents/item/1897>

No further appeals will be accepted after mediation.

Please note that applying for an external review with the Resolution Institute will incur a fee that will have to be paid by the person complaining/appealing a decision. For the exact fees, complainants/appellants should contact the Resolution Institute.

Furthermore, students may want to consider contacting the Tertiary Education Quality and Standards Agency (TEQSA) for certain types of complaints. More information to be found currently at <https://www.teqsa.gov.au/complaints>.

The parties will agree to be bound by the external independent mediators’ recommendations and Kaplan will ensure that any recommendations arising from the decision will be implemented as soon as practicable from the time of the receipt of the decision made by the Resolution Institute, TEQSA or any other external independent review body engaged in the appeals process. Kaplan will advise the complainant/appellant of all preventive or corrective actions taken as required in the decision made by the external reviewer.

Contact details for External Independent Review Bodies:

Resolution Institute	Telephone: 02 9251 3366 / 1800 651 650 Email: infoaus@resolution.institute Website: https://www.resolution.institute/
Tertiary Education Quality and Standards Agency (TEQSA)	Telephone: 1300 739 585 Email: enquiries@teqsa.gov.au Website: https://www.teqsa.gov.au/complaints

Please note:

- Kaplan will maintain the student’s enrolment while the internal or external appeal process is ongoing. Students are strongly advised to continue with their studies and thereby maintain their course progress requirements.
- For students in South Australia, from 31st October 2019, the Office of the Training Advocate is no longer offering the service to act as an External Appeals body for South Australian education and training providers. The Office of the Training Advocate will continue to provide:
 - advocacy services for both domestic and international students;
 - assistance in the resolution of disputes through independent mediation.
 More information on the services offered by the Office of the Training Advocate can be found at following link: www.trainingadvocate.sa.gov.au.
- *The availability of this complaints and appeals process, does not remove the right of the student to take action under Australian Consumer Protection Laws if the Australian Consumer Law applies.*

Recordkeeping for Complaints and Appeals

Where a complainant/appellant lodges a formal complaint or appeal they must be advised of:

- the receipt of the complaint or appeal by Kaplan and any proposed action to be taken,
- the outcome and the reasons for the outcome of the complaint or appeal and any further avenues for appeal available.

All records relating to the complaint and/or appeal will be recorded on the complainant's/appellant's record and maintained as outlined in the *Student Record Management Policy* to allow both parties access to these records upon written request.

All records are considered private and confidential and will be treated in accordance with Kaplan's *Privacy Policy*.

Relevant Legislation

As a registered education provider, Kaplan operates under strict laws and regulations. Policies and Procedures are in place to ensure compliance with such laws. Below, please find the most relevant legislation which apply to this policy:

Tertiary Education Quality and Standards Agency Act 2011 (TEQSA Act)

<https://www.legislation.gov.au/Details/C2017C00271>

Higher Education Standards Framework (Threshold Standards) 2015

<https://www.legislation.gov.au/Details/F2015L01639>

Privacy Act 1988 (Cth) <https://www.legislation.gov.au/Details/C2019C00241>

Related Policies

This Policy should be read in conjunction with the following Kaplan policies:

- Assessment Policy
- Progression Policy
- Academic Integrity and Conduct Policy
- Refund Policy
- Diversity, Inclusion and Equity Policy
- Prevention of Harassment and Bullying Policy
- Student Record Management Policy
- Privacy Policy

Version Control and Accountable Officers

It is the joint responsibility of the Implementation Officer and the Responsible Officer to ensure compliance with this policy.

Policy Category	Academic			
Responsible Officer	Vice President, Academic			
Implementation Officer	Head of Student Experience			
Review Date	December 2022			
Approved by				
Academic Board				
Version	Authored by	Brief Description of the changes	Date Approved:	Effective Date:
1.0	Quality & Standards Group	Unpacking of one document into existing document	01.01.2014	01.01.2014

1.1	Quality & Standards Group	Format changes to align across all businesses	30.01.2015	02.02.2015
1.2	Quality & Standards Group	Aligned timeline in sections Lodging a formal complaint and Investigation of a Complaint to 14 days	26.03.2015	30.03.2015
1.3	Academic Quality & Governance Team	Removed a sentence on page 5, under 'Grounds of Appeal' that prevented students from appealing against academic results based on a penalty imposed for plagiarism.	18.06.2015	19.10.2015
1.4	Academic Quality & Governance Team	<ul style="list-style-type: none"> Complaints split into two types, academic complaints vs non-academic complaints and responsibilities and process clarified for each type of complaint. Complaints and Appeals flow charts improved to enhance understanding. External Review Mediation organisation for domestic students Implementation Officers introduced to Policy and contact emails updated for currency. Language use made consistent and names of Kaplan governance bodies and accountabilities amended to more accurately reflect operational practice. 	07.09.2017	30.09.2017
1.5	Academic Quality & Governance Team	<ul style="list-style-type: none"> Clarified that a student may seek confidential, independent professional advice at any stage of a complaint to satisfy s2.4.3 of the Threshold Standards. 	05.12.2017	20.12.2017
2.0	Quality, Regulations and Standards Team in collaboration with the team at Kaplan Professional.	<p><u>Policy review.</u></p> <p>Added information to the "Scope" of the policy to meet requirements of Standard 2.4.1 of the HES Framework 2015.</p> <p>Expanded in the "Purpose" of the policy on relevant legislation.</p> <p>Added "Definitions" to clarify terms of "grievance", "complaints" and "appeals".</p> <p>Expanded on the Policy Principles to allow for student's right to seek independent professional advice, reminder to students that they have 20 working days to access the appeals process and role and update of the "Continuous Improvement Register".</p> <p>Included "Grievance" into the complaints and appeals process.</p> <p>Expanded Stage 3 of the Complaint Process to cover for other matters for investigation, not just academic ones.</p> <p>Removed Complaints and Appeals procedure diagrams, to be added to the complaints dedicated webpage on Kaplan website.</p>	06.12.2019	19.02.2020

		<p>Replaced reference to Business Head with Head of Student Experience.</p> <p>Added more information to the external independent review section to align with requirements in of HES Framework 2015, more updates on how to use services of the Resolution Institute, added TEQSA details as a further complaints avenue for specific types of complaints.</p> <p>Added contact details for external independent review bodies.</p> <p>Updated information regarding the services offered by the SA Office of the Training Advocate.</p> <p>Added information on recordkeeping, relevant legislation, related policies.</p> <p>Removed Appendix A and B and recommended for these to be used as separate forms on the complaints dedicated webpage.</p> <p>Removed Appendix C as most of the information provided was irrelevant to Kaplan.</p> <p>Other minor updates.</p>		
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