



# Student Complaints and Appeals Policy and Procedure

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## 1 Purpose and scope

This policy outlines the student complaint handling process for academic and non-academic matters at Russo Business School. The intent is to ensure that complaints are handled in a fair and equitable manner by a process of discussion, cooperation and conciliation as soon as possible after an event has occurred, with an acceptable outcome that minimises any potential detriment to ongoing work or study relationships.

The Russo Business School has legal responsibilities to students regarding behaviour, work practices, policies or processes that may constitute unlawful discrimination, harassment, sexual harassment, victimisation or vilification.

This policy applies to all members of the Russo Business School's higher education community, including responsibility for complaints with third-party delivery partners and education agents.

## 2 Definitions

**Appeal** is an application made by a student to have a decision reviewed where that decision relates to a matter affecting his or her studies or life as a student.

**Complainant** is the student who has lodged a complaint.

**Complaint** is a complaint that requires a formal complaints process to obtain a resolution.

**Complaint** means an informal expression of dissatisfaction with some aspect of a student's experience with the provider (including with agents or other related parties who represent or act on behalf of the provider).

**Mediator** is a disinterested and skilled individual in mediating complaints in an academic environment who is considered impartial and objective by both student and staff member or complainant and subject of the complaint.

**Natural justice principles** are the principles of natural justice that decision makers under this policy must follow and can be broadly summarised as follows:

- All parties to the matter(s) in dispute, including respondent(s) shall have a right to be heard before a decision is made, including the right to respond to any statements or evidence that may prejudice their case.
- All relevant submissions, information and evidence to be considered by the decision-maker should be disclosed, where requested, to all parties to the complaint prior to the hearing. Matters that are not relevant shall not be taken into account by the decision-maker.
- The decision maker/s shall not be biased or appear to be biased (by a reasonable and informed bystander) nor have a vested interest or personal involvement in the matter being considered.

In addition to these principles of natural justice, there should be no undue delay in responding to complaints or appeals and all parties to such matters under this policy shall have the right to a representative of their choice, other than a currently practising solicitor or barrister (except in extraordinary circumstances at a hearing with the prior leave of the Chair).

**Representative** is another member of staff, a union representative, or another person to provide support, provided that the representative is not a currently practising solicitor or barrister.

**Respondent(s)** are one or more persons who are alleged to have caused the student's complaint or are responsible for the process that related to the complaint.

**Student advocate** is an independent person, who can provide a student with unbiased objective advice about a proposed complaint, the process to resolution and suggest possible outcomes.

### 3 Policy Objectives

The Russo Business School does not tolerate bullying, discrimination, harassment, sexual harassment, victimisation or vilification through any means or medium. Russo Business School aims to provide fair and equitable complaint handling processes that adhere to the following principles.

Russo Business School will:

- Provide timely responses to complaints from students
- Aim to develop a culture where complaints are viewed as an opportunity for improvement at Russo Business School
- Ensure that students are treated fairly and equitably
- Ensure that students are free to make complaints without fear of discrimination
- Ensure that staff are aware of complaint processes and are trained appropriately to ensure that processes are consistently applied
- Ensure complaint judgements are made against stated principles and procedures to ensure consistency of outcomes
- Require respectful behaviour amongst all parties when handling complaints
- Communicate effectively in a timely manner to keep all parties up to date with the progress of the complaint
- Ensure that all information is held in the utmost confidence
- Apply the principles of natural justice
- Aim to ensure that complaints are resolved to the satisfaction of all parties
- Provide complaints handling and appeals processes that are free of charge.

### 4 Implementation

The CEO is responsible for implementing this policy. There are separate processes for academic and non-academic complaints. All matters relating to international students are also included in this policy. In all instances, the complainant and respondent will not be victimised or discriminated against at any time. The complaint process aims to be easily accessible, offered at no charge to complainants, and completed in a timely manner.

The process for handling complaints is separated into two streams: academic and non-academic. The overarching principle is for the complaint to be directed to the person or persons involved in the first instance, and then taken through the hierarchical structure if the issue is not resolved at each level.

The final internal decisions are made by:

- a. The Academic Board for academic complaints
- b. The Chief Executive Officer for non-academic complaints.

Current students, or those seeking to enrol in a course of study with Russo Business School, are entitled to access the complaint processes set out in this policy.

The complainant and/or respondent have the right to be represented by a third party representative (such as a family member, friend, counsellor or other professional support person, other than a legal representative) if they so desire, for all types of complaints and at all stages during the process.

Russo Business School will maintain a register of complaints, including the process followed and outcomes of formal complaints. Any recording and storage of information will be done with consideration given to privacy and confidentiality entitlements of both students and staff.

Final internal decisions are made by the Academic Board for academic complaints and by the Chief Executive Officer for non-academic complaints. Refer to Appendix 1 to view the flowchart of the student complaint process.

The complaints and appeals process does not prevent a student from exercising the student's rights to other legal remedies.

## 5 Procedure

Typical reasons for a complaint may include the following:

- a. A student impacted (or perceived to be impacted) by the inappropriate, irregular or incorrect application of Russo Business School policies and procedures
- b. A student impacted by bias, prejudice or perceived unfair treatment
- c. A penalty that seems excessively harsh being applied to a student
- d. A student impacted by negligent, unusual or inappropriate conduct by a person involved
- e. A student impacted by a decision which didn't take all the facts and issues into account

Complaints must be lodged within 20 business days after the complaint occurred.

### 5.1 Deciding on the course of action

In the first instance, where a student feels that they are dissatisfied with some aspect of the service provided by Russo Business School, it is suggested that they speak with the person in charge of delivering the service in the first instance in an attempt to resolve the problem.

- a. If the situation concerns a piece of assessment, then the student should speak to their lecturer/tutor.
- b. If the situation concerns enrolments or refunds, then speak to the Student Administration staff.
- c. For other concerns, please see the Chief Operating Officer.

The Student Counsellor or a staff member may also be able to help a student assess whether an informal process may be more effective and provide a quicker resolution or whether a formal process is more suitable due to the circumstances. This could take into account whether a student could be placed at a greater risk if they were to make a direct approach to the person concerned/the respondent, and whether in certain circumstances a further confidential investigation of the facts is warranted.

If a student feels uncomfortable or unable to approach the Russo Business School staff member involved, they may be able to speak directly with the Chief Operating Officer or Dean of Studies.

If the situation cannot be resolved, the student is advised that they may lodge a formal complaint by recording their issues in writing. Students can use a *Student Complaints Form* available on Russo Business School's website. Students have the option of taking the complaint to an external authority if the outcome of internal processes are not to the satisfaction of the student.

The student may choose the following overall courses of action:

1. Take no further action
2. Try undertaking an informal approach with the person concerned
3. Proceed to a mediator
4. Proceed with a formal complaint with or without an advocate
5. Take the complaint to an external authority.

## **5.2 Complaints types**

There are various categories of complaint. Russo Business School has categorised complaints as academic or non-academic as follows.

### **5.2.1 Academic**

- a. Academic matters, teaching quality, intellectual property, plagiarism and cheating.
- b. Academic administrative matters regarding policies, procedures, decisions and access to required resources.

### **5.2.2 Non-academic**

- a. Intimidation by other students or staff members.
- b. Collective complaints by a number of students with a similar issue.
- c. General administrative matters regarding policies, procedures and decisions.

## **5.3 Informal procedure**

For complaints of an academic nature, the student may speak to the lecturer concerned in the first instance. This may, for example, be a query regarding an assessment mark or other matters. However, the student may decide to speak to the Academic Director in the first instance. If the student is not satisfied with the outcome of the discussion, they may lodge a formal complaint following the Formal Procedure outlined below. Please note that procedures for assessment remarks or review of grades are outlined in the *Assessment, Moderation and Progress Policy and Procedure*.

For complaints of a non-academic nature, the student may speak to the respondent involved in the first instance or speak to the respondent's supervisor. If the student is not satisfied with the outcome of the discussion, they may lodge a formal complaint following the Formal Procedure outlined below.

### **5.3.1 Informal stages**

Approach the respondent.

The complainant may seek to resolve the issue with the respondent directly with the aim of resolving the matter as soon as possible and reaching an acceptable outcome that minimises any potential detriment to ongoing working relationships.

However, the complainant or respondent is not compelled to use the informal process. In such cases, they have the option of proceeding immediately to a formal process.

The informal process is preferred, where appropriate, to avoid lengthy formal proceedings, and to use a consultative, teaching approach to raise awareness and prevent further issues.

If an informal process has been agreed, and the issue is with a member of staff, they will be expected to make a genuine attempt to resolve the issue fairly and appropriately. Any staff member who is approached informally with a complaint is obliged to respond to the student within 5 business days of receiving the complaint. Their response should include the following:

- a. A formally acknowledged receipt of the complaint
- b. An offer to organise a time to contact the student

The aim is to try and establish:

- Aspects of the issue that can be agreed on and those where there is a difference in opinion
- The relevant rules, requirements, policies or procedures (both written or implied) that have a bearing on the complaint
- The preferred method for resolving the complaint, and any other parties that may need to be involved in its resolution, such as the Human Resources Manager or COO
- An understanding of whether an informal process will be sufficient to resolve the issue.

Approach the respondent's supervisor or manager

- Make an informal complaint to the respondents' manager or other senior staff member.
- The respondent has 5 business days to provide a response to the manager.
- The complainant considers the response and either considers it satisfactory or proceeds to informal conciliation.

Informal conciliation

- Meeting with the claimant and respondent in an attempt to achieve agreed outcomes. The aim is to provide an opportunity to air the complaint and permit a response to the allegations or request, via a facilitated discussion.
- If the complainant or the respondent is not satisfied with the outcome, they may lodge a request to the COO or Human Resources Manager to proceed to the formal resolution process.

Complainants and respondents are encouraged to seek the support of another party to assist them during the process. The complainant can have present with him/her a support person at these meetings, but not a legal representative.

The timeframe for resolving the complaint through the informal resolution process should be timely and not exceed 10 business days, unless there are circumstances that warrant further time, such as persons being unavailable due to leave, semester break, and other such circumstances. Further time may be negotiated between all parties, up to 20 business days, after which the complaint should be withdrawn, or the formal resolution process invoked.

#### **5.4 Formal procedure for all complaints**

If a student is not satisfied with the outcome of the informal procedure, then the student may choose to advance to the formal procedure at no charge.

The complainant is encouraged to seek advice from the COO or Student Association regarding the process for formal resolution of the complaint.

Complainants and respondents are encouraged to seek the support of another party to assist them during the process. All parties are notified that the complaint is confidential and that they are protected from victimisation.

If the complaint has already undergone an informal resolution process, then the CEO may decide that the formal resolution process will proceed immediately to the investigation stage, after lodgement of the *Student Complaints Form*.

#### **5.4.1 Formal stages**

The stages of the formal resolution process are listed below.

##### **5.4.1.1 Conciliation**

Conciliation aims to reach a resolution that is agreed by both parties via discussion and not via the submission of evidence.

The student must lodge a *Student Complaints Form* with the COO for non-academic matters and the Academic Director for academic matters.

The COO or Dean of Studies forwards the complaint to the respondent and asks them to respond within 5 business days regarding commencing a conciliation process.

Discussions are initiated, and a facilitator appointed. All parties are advised that their statements will be confidential and without prejudice, if they agree to proceed. Meetings with the claimant and respondent commence within 5 business days, either individually or together, in an attempt to achieve agreed outcomes. The aim of a group meeting is to provide an opportunity to air the complaint and permit a response to the allegations, via a facilitated discussion.

If the proposed resolution is agreed, then both parties will sign a statement advising that the complaint has been resolved. The resolution may include further actions such as counselling; relevant training; or other agreed actions. Parties should be advised that victimisation or any means of reprisal is unacceptable and could invoke disciplinary action.

Monitoring of outcomes agreed should be actioned by the relevant senior staff members such as the COO or Dean of Studies, complainant's supervisor and/or respondent's supervisor to ensure compliance with any agreed actions. Implementation of any actions should commence within 5 business days, noting that not all matters may be able to be completed within that timeframe as relevant approval processes need to be followed.

The complainant will be notified in writing of the outcome and the reasons within 5 business days, should the complaint not be upheld. If the complainant or the respondent is not satisfied with the outcome, they may appeal the decision and proceed to an internal review/investigation within 10 business days of the Conciliation process outcome.

## **5.5 Appeals**

A student may decide to appeal a decision at any stage of the process if they are not satisfied with the outcome. The appeal should be lodged within 10 business days of receiving the decision. Internal reviews/investigations are conducted at no charge to students.

The right to make complaints and seek appeals of decisions and action under various processes, does not affect the rights of the student to take action under the Australian Consumer Law if the Australian Consumer Law applies.

### 5.5.1 Internal review/investigation

An internal review/investigation may be instigated if there are valid grounds for appealing a decision such as:

- a. A belief that an irregularity in the procedures has occurred
- b. New evidence and facts have emerged that could change the decision
- c. The penalty imposed or decision reached could be considered unreasonable

An internal review/investigation aims to determine findings of fact to result in recommended actions to resolve the complaint as follows:

- a. Written reasons are to be lodged on the *Student Appeals Form* regarding outstanding concerns including evidentiary documentation, to the Executive Dean for academic complaints and to the Chief Executive Officer for non-academic complaints.
- b. The Executive Dean or CEO is to appoint investigators within 5 business days of receipt of notice, who have no prior knowledge of the complaint.
- c. Investigators are to commence interviews with the complainant within 5 business days of appointment and prepare a written record of interview to send to the respondent, within 5 business days of interview.
- d. Investigators are to interview the respondent within 3 business days of receipt of the written complaint, to obtain their response.
- e. Further interviews are to proceed, as required over a 15-business day period, with the complainant, respondent and other witnesses.
- f. Preparation of a report by the investigators, within 5 business days after the last interview, including recommendations for the Executive Dean or CEO to consider.
- g. The Executive Dean or CEO will make a decision within 10 business days of receipt of the report, together with a written decision sent to the complainant and respondent. This may require the relevant Board/Committee to initiate an extraordinary meeting. The decision may be either to uphold the complaint or to dismiss the complaint if it cannot be substantiated. Disciplinary action may be taken against the complainant if the complaint is found to be vexatious or against the respondent if the complaint is upheld.
- h. All parties will be notified, in writing, of the outcome of the complaint within 5 business days.
- i. Any recommended changes, improvements, or actions will be implemented as soon as possible. Any matters considered as urgent will be implemented within 5 business days. Any systemic changes, such as changes to policies will commence within 30 days, noting that full implementation will be in accordance with normal approval procedures for such changes.
- j. An explanation in writing for decisions, including detailed reasons for the outcome, and actions taken as part of the procedures will be given to the respondent and the complainant.
- k. Complainants will be advised of their right to access external avenues for appeal within 10 working days if their complaint has not been upheld, including contact details.

The COO or Dean of Studies are responsible for implementing the recommendations. All materials, documents, reports and correspondence related to the complaint/appeal are held on a confidential staff file and/or student file. The COO or Dean of Studies will provide a follow up report to the relevant Manager of the actions that were undertaken as a result of the recommendations. A report on the management of Student Complaints and Appeals will be presented to Academic Board and Board of Directors each year.

## **5.5.2 Review by external authority**

### **5.5.2.1 Overseas Students Ombudsman**

Students may make a complaint via the Overseas Students Ombudsman if they are unhappy with the outcomes of Russo Business School's internal complaints and appeals process. This service is free.

#### ***Making a complaint to the Overseas Students Ombudsman***

*The Ombudsman's office is open from 9 am to 5 pm (AEST) Monday to Friday.*

Telephone: 1300 362 072

Website: <http://www.ombudsman.gov.au/making-a-complaint/overseas-students>

### **5.5.2.2 Other external appeal avenues**

The complainant may not be satisfied with the outcome of the internal processes of Russo Business School and will be entitled to proceed to an external authority. Students are eligible for an application to one of these services listed below on a once-off basis, free of charge:

- a. An academic member of staff who can mediate or arbitrate based in a local university in the country in which the student resides
- b. A mediator service such as Resolution Institute
- c. The Office of Fair Trading.

Students may also contact the Tertiary Education Quality and Standards Authority via its website: <http://www.teqsa.gov.au/complaints>

If Russo Business School is notified that an external appeal has been made or legal action has been taken, the internal complaint process will be suspended until the external appeal is completed.

## **5.6 Record keeping and confidentiality**

All parties with an interest in the outcomes of a complaint procedure should keep confidential notes of their discussions with other parties, which should be placed on the student's file and the staff member's file where relevant. The parties attending should confirm in writing that the author has truthfully and accurately recorded the proceedings.

An explanation in writing for decisions, including detailed reasons for the outcome, and actions taken as part of the procedures will be given to the respondent and the complainant.

## **6 Related documents**

The following policies and procedures are related to this policy:

- a. Academic Integrity and Misconduct Policy and Procedure
- b. Assessment, Moderation and Progress Policy and Procedure
- c. Privacy Policy and Procedure
- d. SRG Human Resources Grievances and Disputes Resolution Policy and Procedure
- e. Student Appeals Form
- f. Student Complaints Form
- g. Student Support Policy and Procedure

The following legislation is related to this policy:

- a. Education Services for Overseas Students (ESOS) Act 2000



- b. National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (National Code 2018)
- c. Higher Education Standards Framework (Threshold Standards) 2021

## 7 Review

Three years from commencement.

## 8 Accountabilities

The Board of Directors is responsible for review and approval of this policy.

The policy is to be implemented via induction and training of staff and distribution to students and the Russo Business School's higher education community via the website and other publications.

Delegated Authority	Delegation
<b>Governance</b>	
Teaching and Learning Committee	Refer to the Terms of Reference
<b>Executives</b>	
Chief Executive Office	Relevant to Accountability Statement
Executive Dean	Relevant to Accountability Statement
<b>Management</b>	
Chief Operating Officer	Relevant to Accountability Statement
Dean of Studies	Relevant to Accountability Statement
Academic Support Staff – Adviser/Lecturers	Relevant to Accountability Statement
<b>Operatives</b>	
Invited members	Relevant to Accountability Statement

## 9 Revision history

Policy & Procedure Version No	Policy & Procedure Sponsor	Approval Authority	Date of Approval	Date for Next Review
1/2014	Ms Kathleen Newcombe	Academic Board	9/10/2014	9/10/2015
2/2015	Dr. Elizabeth O'Brien, Executive Dean	Academic Board	23/11/2015	23/11/2016
3/2016	Dr. Elizabeth O'Brien, Executive Dean	Academic Board	7/10/2016	7/10/2017

4/2017	Dr. Elizabeth O'Brien, Executive Dean	Academic Board	24/4/2017	24/4/2018
5/2018	Dr. Paul Greenfield Executive Dean	Academic Board	25/06/2018	25/06/2019
6/2020	Ms Kathleen Newcombe CEO (Education Group)	Academic Board (Minor Amendment)	3/6/2020	3/6/2021
7/2022	Chief Operating Officer	Board of Directors	14/6/2022	14/6/2025

# Appendix 1 - Student complaint flowchart

