

STUDENT GRIEVANCE POLICY

Date of Implementation

This policy applies from 1 July 2009 and will be reviewed annually.

Purpose

The purpose of the Student Grievance Policy is to provide:

- a framework for managing complaints
- a procedure for investigation of complaints
- a fair, equitable and confidential means of resolving complaints at Kaplan Business School

Entity

Unless otherwise specified, the use of the term Kaplan Business School will be referred to as KBS throughout this policy and apply to:

- Kaplan Business School Pty Ltd (Sydney, Melbourne and Adelaide) ABN 97 117 669 397

Scope

This policy applies to complaints (academic and non-academic), formal or informal, received by KBS in relation to its provision of lecturing or related services.

This policy applies to all courses, in-house training and other education services provided by KBS.

Related Policies

- Access and Diversity Policy

Definitions

Appeal process

The appeal process is a process whereby a Student may dispute the outcome of a determination of a grievance.

Appeals committee

The Appeals Committee (a committee of the Academic Committee) is the independent body which hears an appeal made by a student in relation to a determination of:

- a grievance, or
- the Misconduct Review Panel or Academic Directors on an allegation of an act of misconduct or other matters

Appropriate manager

Undergraduate and postgraduate studies	Lecturer in Charge College Director National Academic Director
ESL	Director of Studies
Non academic matters	Student Services Manager
Campus matters	College Director

Complaints

An expression of dissatisfaction with the organisation's procedures, charges, employees, agents or quality of service.

Informal complaints may be made verbally either in person or over the telephone.

Formal complaints must be made in writing by mail, fax or email.

Exceptional Circumstances

A non typical occurrence that happens beyond a person's control

Grievance

A grievance is:

- a) an issue arising from any decision, act or omission which is considered unjust, discriminatory or wrongful or at variance with Institute policy or procedure;
- b) complaints about the behaviour of another student, group of students, staff member or group of staff;
- c) matters within the control of the Institute that are not resolved through normal communication channels;
- d) issues may include, but are not limited to, facilities, support services, curriculum, administrative procedures or decisions; and
- e) any educational matter which causes a student serious concern or distress.

Operations of KBS which may give rise to grievances covered by the policy include:

Academic Grievances

- academic programs (content or structure)
- unit delivery or outcomes
- the learning environment
- methods of assessment
- access to resources.

Non-Academic Grievances

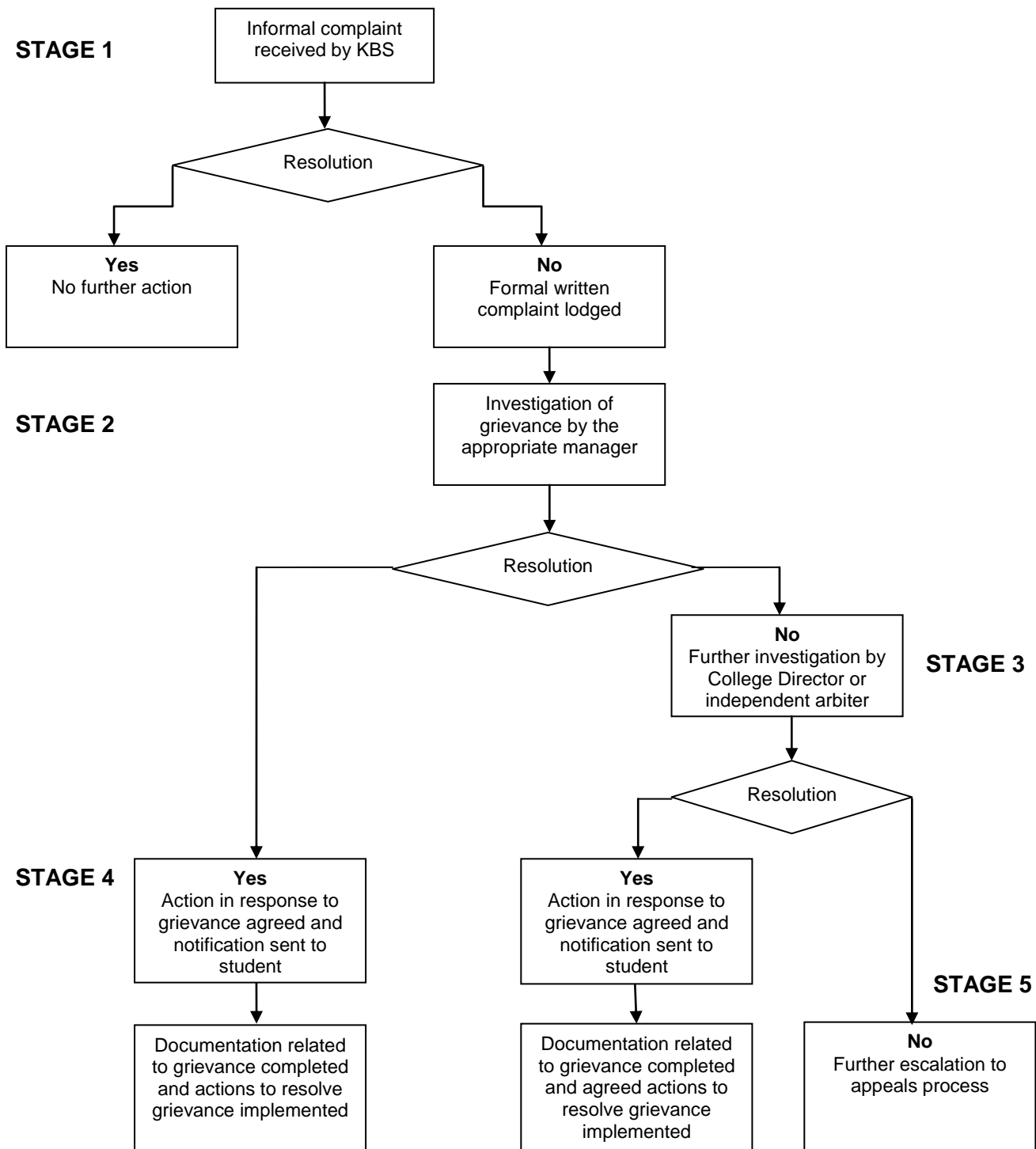
- student service
- contractor or employee conduct
- individuals who believe that they have been treated unfairly on the grounds of access and equity
- occupational health and safety concerns
- administrative action/inaction, procedure or decision

Students

'Students' means students enrolled in KBS courses.

Student Grievance Procedure

Kaplan Business School applies the following procedure to deal with the investigation and resolution of student grievances.



Bradford College Pty Ltd is the registered higher education provider (CRICOS Provider Codes, SA: 02426B, NSW: 02913J, VIC: 02887F). Kaplan Business School Pty Ltd is Bradford College's agent appointed to deliver courses on its behalf.

1. Stage 1 – Complaint received

In the first instance, issues relating to the grievance should be raised informally with the staff member concerned.

If the grievance cannot be resolved at this discussion the student may request to speak with the Student Services Manager if it is a non-academic matter or the Lecturer-in-Charge if it is an academic matter.

After discussion, if the student is not satisfied with the resolution of the grievance, a formal written complaint may be lodged with KBS.

1.1 Lodging a formal written complaint

Formal complaints may be lodged via letter (or email to: complaints@kbs.edu.au)

To assist in the speedy resolution of a complaint it is helpful if students include the following information when communicating their grievance.

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

The student will receive written confirmation within 48 hours that their written complaint has been received.

2. Stage 2 – Investigation of complaint

Upon receipt of a formal complaint, details will be recorded on the KBS Complaints Register.

All complaints will be investigated and resolved by the appropriate manager (refer to definitions on p.2) and in accordance with procedures

Academic grievances regarding assessment are to be made within 30 days of release of results. Investigation of these grievances may involve:

- reviewing worked examination papers or assignments
- reviewing procedures
- reviewing course materials or resources
- consulting other course participants
- reviewing course evaluations
- speaking to relevant KBS staff members

The determination will also be documented on the KBS Complaints Register.

3. Stage 3 – Interview conducted

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

4. Stage 4 – Resolution of complaints

4.1 General 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
- verbal complaints will generally be resolved by the KBS Student Services Manager
- resolution of a grievance may be reached at any stage. Upon resolution of a grievance, all further investigation ceases, unless, in the interests of improving the services, products or processes the manager involved in the investigation and resolution considers further investigation is warranted
- details of the grievance, its investigation and outcome will be documented and filed in an appropriate manner (Refer to Section 5.1 Right to Appeal)
- in the event of a grievance not being resolved internally, KBS may appoint an independent arbiter to review the grievance and recommend a solution
- students have a right to appeal in situations where they believe their grievance has not been adequately resolved. A right of an appeal applies in circumstances set out in section 5.3 Grounds for an Appeal
- all complaints by students, parents or prospective students are dealt with free of charge. The complainant (i.e. student, parent or prospective student) and respondent (i.e. staff member concerned) will not be victimised or discriminated against in any manner and all details of the complaint and subsequent investigation will remain strictly confidential.
- the complainant is entitled to ask for assistance in the form of a translator/ interpreter at any time during the process. The complainant and respondent may bring one person (such as a friend, family member, counsellor or other professional support person) to represent or support them to any meetings arranged at any stage of the process.
- students will continue to attend their classes as usual whilst Kaplan Business School and the student are attempting to resolve the issue by following this grievance procedure. The only circumstances in which a student would not continue attending classes is if their health or safety is potentially at risk or if they pose a health or safety risk to other students or staff members.

4.2 Follow up to student

Once the investigation has been conducted and a determination made, the student will receive a written response from the College Director detailing the actions taken in response to the grievance. This will usually occur within ten (10) working days of acknowledgement of the

student's complaint. If for some reason the investigation or determination takes longer, the student will be advised.

If KBS receives no communication from the student within ten (10) working days of them receiving its response, the grievance will be considered closed except in exceptional circumstances.

5. Stage 5 – Appeals process

5.1 Right to appeal

Any student subject to a determination in relation to a grievance, who believes that they have grounds for appeal, is entitled to appeal that determination to the Appeals Committee.

5.2 Notice of appeal

If a student decides to appeal a determination, they must lodge a written Notice of Appeal (Appendix B) within ten (10) working days of the determination being made.

The appeal must:

- Set out the grounds of appeal
- Provide evidence supporting the grounds of appeal or any new information not previously provided in support of the grievance
- Specify the outcome sought

5.3 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
- That the decision was made without due consideration of the facts, evidence or circumstances
- That there was bias, prejudice or a conflict of interest by the investigative or hearing body , or
- That some significant policy or procedural irregularity occurred in the investigative or hearing process

5.4 Constitution of the Appeals Committee

An Appeals Committee will be constituted by the College Director Sydney campus. It will comprise at least three (3) members of the Academic Committee selected and appointed by the Chair of the Academic Board and other members as appropriate.

An external Chair will be appointed. The Chair may also appoint a non-voting secretary to the Appeals Committee to keep a confidential record of the Appeals Committee hearing.

The Appeals Committee must not include any member who has:

- A personal involvement in, or connection with the student concerned, or with the matters to be heard, or

- Been involved in any matter or 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 grievance.

Any member appointed to the Appeals Committee who is ineligible to sit as a member must declare the reason for their ineligibility and disqualify themselves. The Chair will then select a suitable replacement.

5.5 Convening the Appeals Committee

On receiving a student's appeal application, it must be referred to the Chair of Appeals Committee who must decide whether to grant or dismiss the application.

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.

5.6 Duties and powers of the Appeals Committee

Upon receiving an appeal application the Chair of the Appeals Committee may determine whether to hear an appeal or dismiss it.

If the Chair 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.

Otherwise, the Appeals Committee will proceed to hearing and determine:

- The general conduct of the appeal hearing
- The procedures to be adopted, as it thinks fit, based on general principles of natural justice and procedural fairness
- The nature of the appeal

The Appeals Committee has the power to:

- Hear the appeal in relation to the determination of the grievance
- Review, uphold, dismiss or vary the determination of the grievance
- Refer the matter back to KBS for further inquiry and determination.
- Where the Appeals Committee decides to refer the matter back to KBS, the College Director will promptly notify the Chair of Appeals Committee of the outcome of the reconsideration.

5.7 Dismissing an appeal application

Depending on the nature and circumstances of the appeal and the student's grounds for the appeal, the Chair of the Appeals Committee may determine that there are no grounds for the appeal. In this case the Chair of the Appeals Committee may determine that no hearing is necessary and dismiss the appeal application.

5.8 Appeal hearing

The Appeals Committee will consider all documentation submitted in connection with the appeal, including any written submissions from the student and any representative of KBS.

The Appeals Committee may also refer to any documentation or evidence tendered during the investigation or hearing as well as that considered in appealing the determination.

If required in the circumstances, the College Director, or their nominee, may, on behalf of KBS, defend the original determination.

At the appeal hearing, the student concerned is entitled to be represented by a person appointed by the student, but must advise KBS prior to the hearing if they intend to do so. Both the student and KBS 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.

5.9 Appeals Committee decision

After hearing from all parties, the Appeals Committee must decide within ten (10) working days after the conclusion of the hearing, by a majority vote, whether to uphold or deny the appeal. The determination of the Appeals Committee must be communicated in writing to the student and any staff members involved.

The proceedings and decision of an appeal will be kept confidential, subject to the operation of law. A student is entitled to be informed of the determination of the Appeals Committee and reasons for the determination. A student may also request access to records of the hearing.

A decision of the Appeals Committee is final and binding on all parties. There is no further right of appeal within KBS.

Should the appeals process not resolve the matter to the student's satisfaction, the student may pursue relevant legal action available to them under the Commonwealth or State legislation.

Please see Appendix A for a list of relevant authorities.

5.10 If an appeal is upheld

Upon upholding an appeal of a grievance, the Appeals Committee may determine what action is to occur.

5.11 If an appeal is not upheld

Where the Appeals Committee does not uphold (dismisses) an appeal, the original determination is confirmed and may be processed along with any recommendation originally made.

Appendix A

Provided below is a list of contacts that students may approach for external resolution of grievances and/or appeals.

Before contacting these groups, students should ensure they have exhausted the internal avenues of escalation and appeal within KBS.

National Training Complaints Hotline

Toll-free complaints hotline – 1800 000 674 or email nationalcomplaintshotline@deewr.gov.au

Government departments

Office of the Training Advocate (SA) 1800 006 488

Department of Education and Training (NSW) (02) 9244 5203

Department of Further Education, Employment, Science and Technology (SA) (08) 8226 3821

Department of Education and Training (VIC) (03) 9637 2000

Complaints resolution groups

Office of Fair Trading (NSW) 13 32 20

Office of Consumer and Business Affairs (SA) (08) 8204 9777

Consumer Affairs (VIC) 1300 551 81

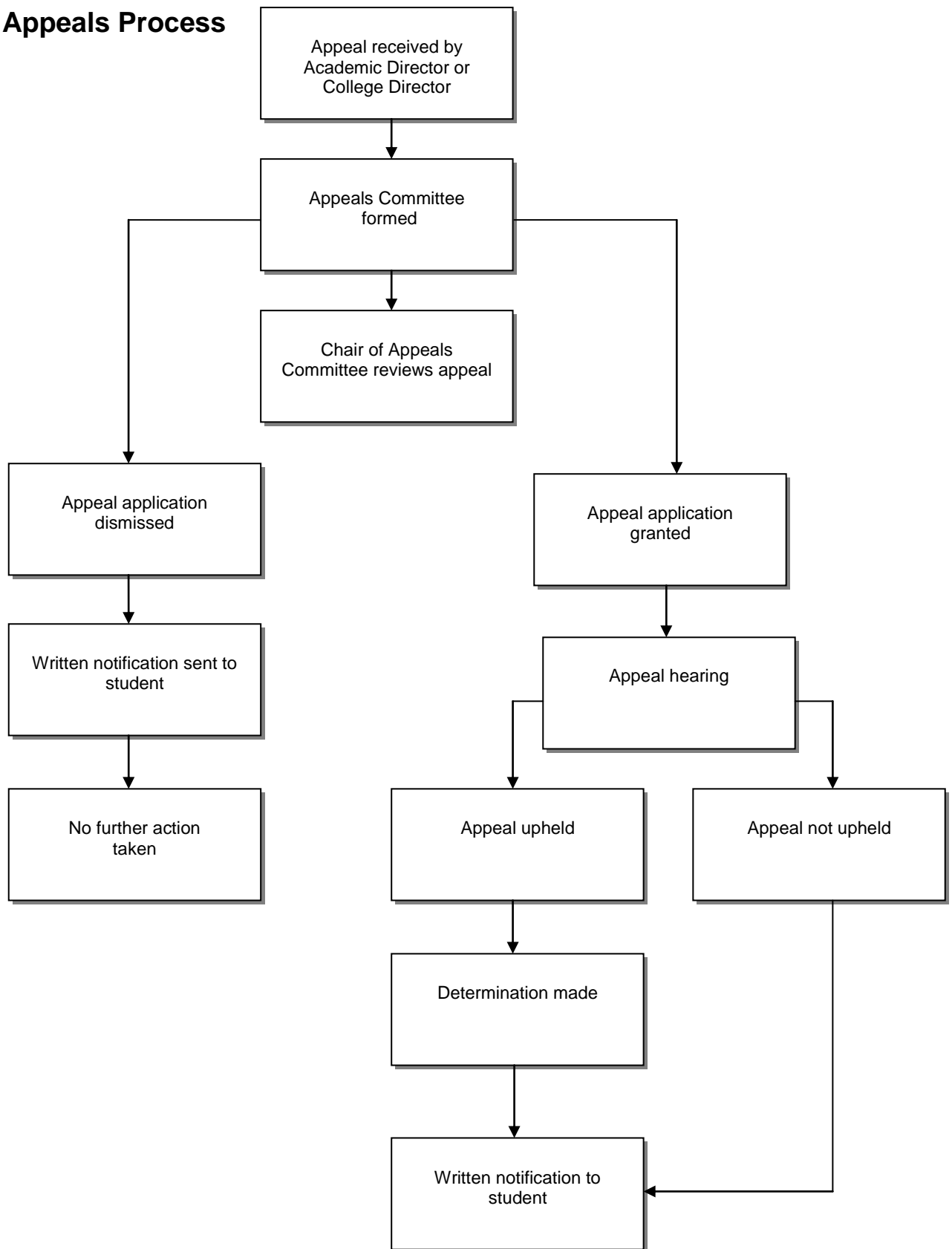
Human Rights and Equal Opportunity Commission (NSW) 02) 9284 9600

Equal Opportunity Commission (VIC) 1800 134 142

Ombudsman (VIC) 1800 806 314

Administrative Appeals Tribunal (SA) 1300 366 700

Appeals Process



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BUSINESS SCHOOL
AUSTRALIA

STUDENT COMPLAINT FORM

Before lodging a formal complaint about decisions made by members of KBS or products or services provided by it, please ensure that you have followed Stage 1 of the student complaints procedure.

Completed Student Complaint Forms are to be sent to the College Director or the Academic Director

Student Number:		Date:
Mr/Mrs/Ms etc:	Surname or family Name:	Other or Given Names:
Address:		
Contact Phone Numbers:		Email:
DESCRIBE YOUR COMPLAINT		
<hr/> <hr/> <hr/>		
HAVE YOU TRIED TO RESOLVE THE ISSUE INFORMALLY? (Stage 1 of procedure)		
YES / NO (please circle)		
IF NO, PLEASE GIVE REASONS WHY		
<hr/> <hr/> <hr/>		
WHAT WAS THE RESULT OF THE INFORMAL PROCESS?		
<hr/> <hr/>		
WHAT WOULD BE A SATISFACTORY RESOLUTION FOR YOU?		
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Student Signature: _____		Date: _____

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