

# Grievances, Complaints and Appeals Handling Policy

## Scope

This policy was developed for Kaplan Business School 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.
- Parents or legal guardians of prospective students under the age of 18 years.
- Any third-party providing services on Kaplan's behalf to current or prospective students at Kaplan (such as education agents, student accommodation providers, workplace supervisors, etc.).
- All staff members involved in the management of 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 Complaints and Appeals Policy is to provide:

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

This policy follows the guidelines of the Higher Education Standards Framework (Threshold Standards) 2021 Section 2.4 (Standards 2.4.1 – 2.4.5) and the National Code of Practice for Providers of Education and Training to Overseas Students 2018, specifically Standard 10 as well as other relevant legislation.

## Definitions

A **grievance** is defined as a "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 must be an element of unfairness involved. It does not have to be a failure – if a student has been unfairly given a mark that is lower than they deserve, and the teacher or lecturer 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 outlined 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 a student or a person disputes a decision made by Kaplan because of a formal written complaint.

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

## Policy Principles

Complaints will be addressed based on their 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.
- All internal grievances, complaints and appeals by students, parents or prospective students are dealt with at minimal or no cost.
- 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 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 support person) to represent/support them to any meetings during the complaint process. The support person should not be a legal practitioner and the student is obliged to notify Kaplan that the person will be attending before the meeting.
- The meetings are not to be recorded on any device by either the complainant or the respondent though both parties are permitted to take notes that are handwritten or typed.
- 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.
- For overseas students studying in Australia where the complaint relates to them not being permitted to extend their course duration due to not completing their course in the required time frame, not enrolling within the required time, or not making satisfactory course progress, the student will be notified in writing that they will be reported to the Department of Home Affairs, and this may result in their student visa being cancelled. The student will be informed that they have 20 working days to access the appeals process.
- The outcome of each complaint and appeal will be analysed and recommendations for improvement of services will be recorded in the "Complaints and Appeals Register" and implemented throughout Kaplan's operations.
- Complaints and appeals that are frivolous, unreasonable, or lacking substance will be dismissed once the complaint and the supporting evidence have been considered by the manager assigned to investigate and process the complaint.

## Grievance and Complaint Process

### Stage 1: Grievance received

In the first instance, issues relating to a grievance should be raised informally with the staff member concerned. If this is impractical or the grievance cannot be resolved, the student or person (as outlined in the scope of this Policy) may request to speak with the Campus Manager if it is a non-academic matter or the Academic Head or Academic Director 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. All possible options will be considered for every grievance to be resolved without leading to a formal complaint.

### Stage 2: Lodging a Formal Written Complaint

All formal written complaints (academic and non-academic) must be submitted within ten (10) working days of the incident.

In exceptional circumstances e.g., where a student 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 written complaint, complainants must complete the “Complaint Form”. To assist in the resolution of a complaint it is helpful if students include the following information when communicating their complaint.

- if lodging the form via email, use the word “Complaint” in the email subject line.
- if applicable, identify the subject/course and trimester/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 and/or appeals should be sent to the relevant addresses below:**

KBS Adelaide	KBS Brisbane	KBS Melbourne	KBS Perth	KBS Sydney
Registrar Level 1, 68 Grenfell Street, Adelaide, South Australia 5000 or Email: <a href="mailto:registrar@kbs.edu.au">mailto:registrar@kbs.edu.au</a>	Registrar Ground Floor, 369 Ann Street, Brisbane Queensland 4000 or Email: <a href="mailto:registrar@kbs.edu.au">registrar@kbs.edu.au</a>	Registrar Level 4, 370 Docklands Drive, Docklands, Victoria 3008 or Email: <a href="mailto:registrar@kbs.edu.au">registrar@kbs.edu.au</a>	Registrar Level 1, 1325 Hay Street, West Perth WA 6005 or Email: <a href="mailto:registrar@kbs.edu.au">registrar@kbs.edu.au</a>	Registrar Levels 1 & 2. 55 Elizabeth Street, Sydney, New South Wales 2000 or Email: <a href="mailto:registrar@kbs.edu.au">registrar@kbs.edu.au</a>

The complaint will be assigned to the relevant manager. The complainant will receive written confirmation within 5 working days that their written complaint has been received. Should the complainant not receive confirmation within the 5 working days, they may then contact Kaplan.

### 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 10 working days of the date they are received by Kaplan or as soon as practicable (depending on the nature of the complaint) and resolved by the appropriate manager in accordance with this Policy. Investigation of complaints may involve:

- reviewing worked examination papers or assignments.

- reviewing course materials or resources.
- consulting other course participants.
- reviewing course evaluations
- reviewing processes.
- reviewing information provided if the complaint relates to bullying and/or harassment.
- reviewing potential unfair treatment of individuals on grounds of access and equity.
- speaking to relevant Kaplan staff members to obtain further information.

#### **Stage 4: Interview conducted**

Where there are grounds for further investigation of the 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 the Registrar or another member of the Kaplan leadership team detailing the actions taken in response to the complaint and reasons of the outcome. This will usually occur within 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 student within 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 and Appeals Register”.

## **Appeals Process**

### **Stage 1: Submitting an Appeal**

#### ***Right to Appeal***

Where a student, having lodged a complaint, subsequently receives a determination in circumstances that they believe provides grounds for appeal, the student is entitled to appeal that determination under this policy.

Academic appeals by students are referred to the Appeals Committee of the Academic Board for determination according to the processes stated within this policy.

Non-academic appeals by students are referred to the General Manager (GM) National Operations or delegate for determination according to the processes stated within this policy.

#### ***Notice of Appeal***

If a complainant decides to appeal a determination, they must lodge a written “*Notice of Appeal*” within 10 working days of the determination being made.

Appellants on an Overseas Student Visa, subject to an Academic Success Intention to Report letter will be informed that they have 20 working days to access the appeals process.

The 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 appeals process.

Failure to provide a completed “*Notice of Appeal*”, with supporting new evidence as required, will 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
- that the decision was made without due consideration of relevant 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/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 subject.
- grades received by the student in other subjects.
- the need for additional marks to enable a pass/better grade.

## **Stage 2: Investigation of Appeal**

### ***Formation of the Appeals Committee***

For all academic matters, the Academic Board appoints the Appeals Committee. It will comprise at least three 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 of the Appeals Committee may also include a secretary who is charged with keeping records of the hearing.

For all non-academic matters, the Senior Management Team appoints the GM National Operations to review the appeal.

### ***Duties of the GM National Operations – non-Academic Appeals***

On receiving an appeal application relating to a non-academic matter, the GM National Operations or delegate will review the application and determine whether to grant or dismiss the application. The GM National Operations or delegate will consult with the Senior Management Team on the appeal application.

The decision made by GM National Operations will be communicated to the appellant in accordance with the standards stated in this Policy.

Where the appeal application is dismissed, the appellant will receive written notification within five working days of the decision and will be informed of further external appeal opportunities available.

### ***Duties of the Chair of the Appeals Committee – Academic Appeals***

On receiving an appeal application from a student in relation to an academic matter, the Chair will review all aspects of the application and make the decision whether:

- to allow the appeal to proceed to the full Appeals Committee or
- in the student's interests, to defer the appeal or
- to dismiss the appeal by the student

Where the Chair determines that a valid case is established by the student within the requirements of this Policy then the Chair will make the decision that the Appeal will proceed to the Full Appeals Committee.

If, at the time the Appeal reaches the Chair, the Chair finds that there are issues in relation to the appeal which, in the student's interests suggest that the student's appeal should be placed on hold pending the results of current subjects being studied then the Chair has discretion to make the decision to defer the Appeal pending those results. Once those results are made available the Chair must decide to allow or dismiss the Appeal within ten working days.

If the Chair finds that there are no grounds for appeal, or that the appeal is lacking in substance or is frivolous or vexatious, then the Chair will make the decision that the appeal will be dismissed without proceeding to a hearing by the full Appeals Committee.

All decisions by the Chair will be communicated to all members of the Appeals Committee so that the Committee is aware of all such decisions.

Once a decision has been made by the Chair it will be communicated to the appellant student in accordance with the standards stated in this Policy.

Where the appeal application is dismissed by the Chair the appellant will receive written notification within five working days of the decision and will be informed of further external appeal opportunities available.

### ***Stage 3: Appeal hearing for Academic Appeals***

If the decision by the Chair is that the appeal should proceed to a meeting of the Appeals Committee that meeting will, wherever possible, be convened not more than ten working days after the Notice of Appeal is received by Kaplan.

### ***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 appellant 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. The Academic Dean or the Registrar, or their nominee, 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,

cannot 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 GM National Operations Decision*

At the completion of the hearing, the Appeals Committee and/or the GM National Operations must decide and communicate the outcome to Kaplan within five working days of the hearing.

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

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

Upon upholding an appeal of a complaint, the Appeals Committee or GM National Operations, as appropriate, may determine what action is to occur. Where the Appeals Committee or GM National Operations 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*. A student may request access to records of the hearing and reasons for the determination. A decision of the Appeals Committee and/or the GM National Operations (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 GM National Operations, the appellant will have twenty 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.

**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 the 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: <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 can be found at <https://www.teqsa.gov.au/complaints>.

**Students on an Overseas Student Visa** may also contact the Overseas Student Ombudsman (<http://www.ombudsman.gov.au/How-we-can-help/overseas-students>). If the external appeal agency contacts Kaplan, then during the duration of the external appeal the student will not be reported to the Department of Home Affairs nor have their enrolment cancelled until the process has been completed or the student withdraws their external appeal. Students should note that their visa may be affected if their Confirmation of Enrolment (CoE) lapses during the period of external appeal.

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, the Overseas Student Ombudsman 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:

<b>Resolution Institute</b>	Telephone: 02 9251 3366 / 1800 651 650 Email: <a href="mailto:infoaus@resolution.institute">infoaus@resolution.institute</a> Website: <a href="https://www.resolution.institute/">https://www.resolution.institute/</a>
<b>Tertiary Education Quality and Standards Agency (TEQSA)</b>	Telephone: 1300 739 585 Email: <a href="mailto:enquiries@teqsa.gov.au">enquiries@teqsa.gov.au</a> Website: <a href="https://www.teqsa.gov.au/complaints">https://www.teqsa.gov.au/complaints</a>
<b>Overseas Student Ombudsman</b>	Telephone: 1300 362 072 Website: <a href="https://www.ombudsman.gov.au/How-we-can-help/overseas-students">https://www.ombudsman.gov.au/How-we-can-help/overseas-students</a>

**Please note:**

- If students prefer to make a complaint in a language other than English, they can call the Translating and Interpreting Service (TIS) on 131 450 or visit the following link for more information: <https://www.tisnational.gov.au/>
- Kaplan will maintain the student's enrolment while the internal or external appeal process is ongoing. Students are strongly advised that they do come to class during this process and thereby maintain their attendance and course progress requirements.
- For students in South Australia, from 31<sup>st</sup> 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 the following link: <https://skillscommission.sa.gov.au> **Error! Hyperlink reference not valid..**

- 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 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 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 lists the most relevant legislation which apply to this Policy:

- Tertiary Education Quality and Standards Agency Act 2011 (TEQSA Act)
- Higher Education Standards Framework (Threshold Standards) 2021
- Education Services for Overseas Students Act 2000 (ESOS Act 2000)
- Education Services for Overseas Students Regulations 2019
- National Code of Practice for Providers of Education and Training to Overseas Students 2018

## Related Policies

This Policy should be read in conjunction with the following:

- Assessment Policy
- Academic Success 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 Responsible Officer to ensure compliance with this policy.

<b>Policy Category</b>		Academic		
<b>Responsible Officer</b>		Vice President, Academic		
<b>Implementation Officer(s)</b>		Academic Dean, Registrar and General Manager National Operations		
<b>Review Date</b>		June 2025		
<b>Approved by</b>				
KBS Academic Board.				
<b>Version</b>	<b>Authored by</b>	<b>Brief Description of the changes</b>	<b>Date Approved:</b>	<b>Effective Date:</b>
3.0	Quality, Regulations and Standards Team	<ul style="list-style-type: none"> <li>• <b><u>Policy review.</u></b></li> <li>• Added information to the ‘Scope’ of the policy to meet requirements of Standard 2.4.1 of the HES Framework 2015.</li> <li>• Updated timelines to meet requirements of ESOS Act and National Code 2018.</li> <li>• Expanded Stage 3 of the Complaint Process to cover for other matters for investigation, not just academic ones.</li> <li>• Added contact details for external independent review bodies.</li> <li>• Updated information regarding the services offered by the SA Training Advocate Tribunal.</li> <li>• Updated the list of related policies.</li> <li>• Removed Appendix A and B and recommended for these to be used as separate forms.</li> <li>• Removed Appendix C as most of the information provided was irrelevant to KBS.</li> <li>• Other minor updates.</li> </ul>	05.12.2019	14.02.2020
4.0	Quality, Regulations and Standards Team	<ul style="list-style-type: none"> <li>• Conversion to new template</li> <li>• Updated to HESF 2021</li> <li>• Procedural update to Appeal Committee communication requirements</li> <li>• SA Skills Commission update</li> </ul>	6.10.2021	13.10.2021
5.0	Quality, Regulations and Standards Team	Sydney campus address updated.	21.06.2022	28.06.2022