
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) 2015, 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 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 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 as a result of a formal written complaint.

**Note: Students may include prospective students who have had some interactions with Kaplan (eg. 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 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.
- 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.
- 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 period 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/Director 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 in order for every grievance to be solved and not to become 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 Sydney
Registrar / Academic Dean Level 1, 68 Grenfell Street, Adelaide, South Australia 5000 Email: registrar@kbs.edu.au	Registrar / Academic Dean Ground Floor, 369 Ann Street, Brisbane Queensland 4000 Email: registrar@kbs.edu.au	Registrar / Academic Dean Level 4, 370 Docklands Drive, Docklands, Victoria 3008 Email: registrar@kbs.edu.au	Registrar / Academic Dean Level 8, 540 George Street, Sydney, New South Wales 2000 Email: registrar@kbs.edu.au

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 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 complaints may involve:

- reviewing worked examination papers or assignments;
- reviewing course materials or resources;
- consulting other course participants;
- reviewing process and 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 health and safety concerns regarding delivery of courses and/or assessments;
- speaking to relevant Kaplan staff members to obtain further information.

Where possible a complaint will be resolved promptly.

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 Academic Dean or Registrar or the GM National Operations 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 student 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 and Appeals Register".

Appeals Process

Stage 1: Submitting an Appeal

Right to Appeal

Any 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 General Manager (GM) National Operations or delegate for final determination.

All complainants on an Overseas Student Visa may be subject to an Academic Success Intention to Report Letter.

Notice of Appeal

If a complainant decides to appeal a determination, they must lodge a written “*Notice of Appeal*” within ten (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 complaint process.

Failure to provide a completed “*Notice of Appeal*” with supporting new evidence 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
- 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 two (2) 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 Committees may also include a secretary who is charged with keeping records of the hearing.

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

Duties of the Chair of the Appeals Committee and GM National Operations

On receiving the appeal application, the Chair of the Appeals Committee or the GM National Operations (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 finds that 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 GM National Operations or delegate will consult with the Senior Management Team on the appeal application. Once a decision has been made it will be communicated to the appellant 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 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 can 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 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 (5) 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 (10) 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's National Operations, 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 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 <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 to contact 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>.

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 in the event that 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:

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
Overseas Student Ombudsman	Telephone: 1300 362 072 Website: https://www.ombudsman.gov.au/How-we-can-help/overseas-students

Please note:

- If the students want to make a complaint in their language, 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 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 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>

Education Services for Overseas Students Act 2000 (ESOS Act 2000)

<https://www.legislation.gov.au/Details/C2018C00210>

Education Services for Overseas Students Regulations 2019

<https://www.legislation.gov.au/Details/F2019L00571>

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

<https://www.legislation.gov.au/Details/F2017L01182>

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
- 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.

Policy Category	Academic			
Responsible Officer	Vice President, Academic			
Implementation Officer(s)	Academic Dean, Registrar and General Manager National Operations			
Review Date	December 2022			
Approved by				
Vice President Academic under a delegation from KBS Academic Board.				
Version	Authored by	Brief Description of the changes	Date Approved:	Effective Date:
2.1	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

2.2	Academic Quality & Governance Team	Express sentence in previous policy permitting 20 days to appeal externally removed.	03.12.2015	17.12.2015
2.3	Academic Quality & Governance Team	Updates made to email details used to contact KBS and additional, relevant redress avenues included in Policy.	26.07.2016	26.07.2016
2.4	Academic Quality & Governance Team	<ul style="list-style-type: none"> • Process inconsistencies cleaned up e.g., assessment complaints must be made within 30 days from the release of results. • 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. • Change made to Appeals Committee composition and appointment. • Implementation Officer introduced to Policy. • Language use made consistent and names of Kaplan governance bodies and accountabilities amended to more accurately reflect operational practice. 	01.12.2016	15.12.2016
2.5	Academic Quality & Governance Team	Update made as follows: <ul style="list-style-type: none"> • For non-academic appeals, delegation from Business Head possible for final decision. • Email address contact details amended to better reflect process. 	11.01.2017	11.01.2017
2.6	Academic Quality & Governance Team	Update made to: <ul style="list-style-type: none"> • External Review Mediation organisation for domestic students • Address references clarified to as relevant for complaints and appeals. 	01.03.2017	16.03.2017
2.7	Academic Quality & Governance Team	Appeal form amended to highlight the grounds of appeal (outlined in the policy) clarifying that if students do not have valid grounds or evidence supporting the appeal, the appeal may be dismissed.	05.12.2017	20.12.2017
2.8	Compliance Team & Academic Quality & Governance Team	Brisbane campus updated to reflect the new campus address. The section regarding External Independent review was updated to reflect specific SA regulatory requirements.	08.03.2018	09.03.2018

3.0	Quality, Regulations and Standards Team	<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 of and update of the ‘Continuous Improvement Register’.</p> <p>Included ‘Grievance’ into the complaints and appeals process.</p> <p>Updated timelines to meet requirements of ESOS Act and National Code 2018.</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 Kaplan procedures and forms.</p> <p>Replaced reference to Business Head with GM National Operations for the appeals process.</p> <p>Added more information to the external independent review section to align with requirements in the National Code 2018, 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 Training Advocate Tribunal.</p> <p>Added information regarding recordkeeping.</p> <p>Added information to relevant legislation.</p> <p>Updated the list of related policies.</p> <p>Removed Appendix A and B and recommended for these to be used as separate forms.</p> <p>Removed Appendix C as most of the information provided was irrelevant to KBS.</p> <p>Other minor updates.</p>	05.12.2019	14.02.2020
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