

Complaints and Appeals Policy

Scope

This policy is applicable to Kaplan Business School Pty Ltd ('Kaplan').

Purpose

The purpose of the Complaints and Appeals Policy is to provide:

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

To ensure compliance with the National Code 2018, Standard 10 must be considered in conjunction with this policy.

What is a complaint and an appeal?

A complaint is an expression of dissatisfaction by a student* (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 service 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

* Some complaints can also be made by people such as parents, prospective students or other relevant parties.

An appeal is a process whereby a student disputes a decision made by Kaplan or a determination made in regard to a complaint or penalty in relation to an Act of Misconduct.

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 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 complaints by students, parents or prospective students are dealt with free of charge.
- 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.
- 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.

Complaint Process

Stage 1: Complaint received

In the first instance, issues relating to the complaint should be raised informally with the staff member concerned. If this is impractical or the complaint cannot be resolved, the student may request to speak with the staff member’s Manager or the Academic Dean if it is an academic matter. After discussion, if the student is not satisfied with the resolution of the complaint, a formal written complaint may be lodged with Kaplan.

Stage 2: Lodging a formal written complaint

All written complaints must be submitted within 14 days of the incident. Unless the complaint relates to assessment where a complaint must be submitted within 30 days of the release of results. If lodging a formal written complaint, students should complete the Student Complaint Form (Appendix A). To assist in the resolution of a complaint it is helpful if students include the following information when communicating their complaint.

- If lodging form via email, use the word ‘Complaint’ or “Grievance” 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 (Appendix A) and appeals (Appendix B) 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 student will receive written confirmation within 48 hours that their written complaint has been received.

Investigation of complaint

Upon receipt of a formal complaint, details will be recorded on Kaplan's Complaints Register. All complaints will be investigated and resolved by the appropriate manager and in accordance with this Policy. Investigation of complaints may involve:

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

Where possible a complaint will be resolved promptly.

Stage 3 – 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 4: Resolution of complaint

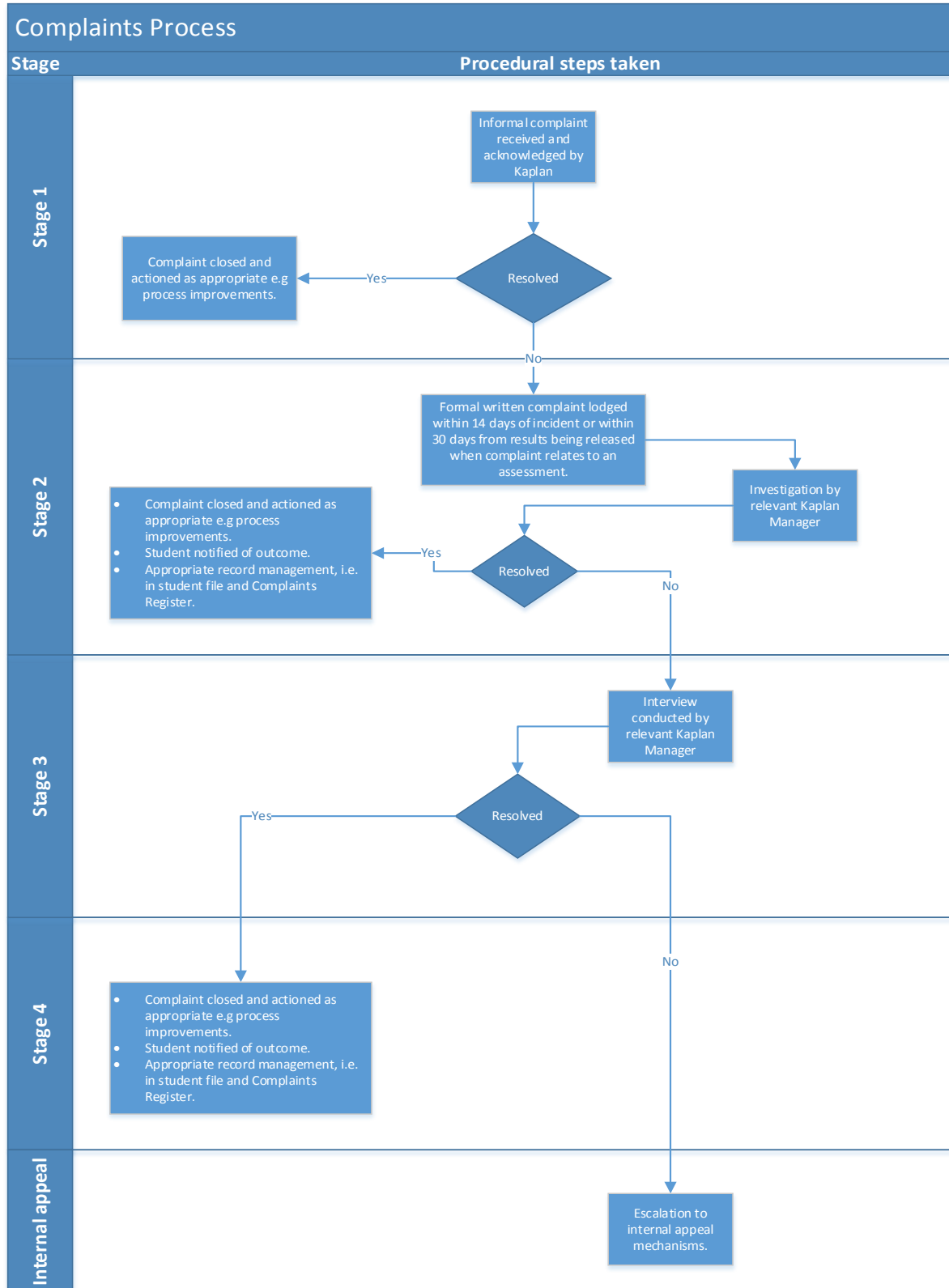
Once the investigation has been conducted and a determination made, the student will receive a written response from the Academic Dean or Registrar detailing the actions taken in response to the complaint. This will usually occur within ten (10) working days of acknowledgement of the student's complaint. If for some reason the investigation or determination takes longer, the student will be advised.

If 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 Register.

Complaints Procedure

Kaplan uses the following procedure to deal with the investigation and resolution of student complaints.



Appeals process

Stage 1: Submitting an appeal

Right to appeal

The following can submit an 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 Business Head or delegate for final determination.
- Any International student 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 (Appendix B) within ten (10) working days of the determination being made. International students 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.

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

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 may also include a secretary who is charged with keeping records of the hearing.

Duties of the Chair of the Appeals Committee or Business Head

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

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

Stage 3: Appeal hearing (only for academic matters)

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

Duties and powers of the Appeals Committee

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

The Appeals Committee has the power to:

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

The Appeals Committee will consider all documentation submitted in connection with the appeal, including any written submissions from the student and any representative of Kaplan. The Appeals Committee may also refer to documentation or evidence tendered during the investigation or hearing as well as any other information relevant to the appeal. The Registrar or Academic Dean, 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 the student and Kaplan may not appoint a legal representative to represent them at the appeal hearing.

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

Stage 4: Resolution of appeal

Appeals Committee or Business Head decision

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

The Appeals Committee or Business Head's decision will be forwarded to the Registrar who will communicate the outcome in writing to the appellant within the outlined timeline. The Registrar is also responsible for enacting any recommendations.

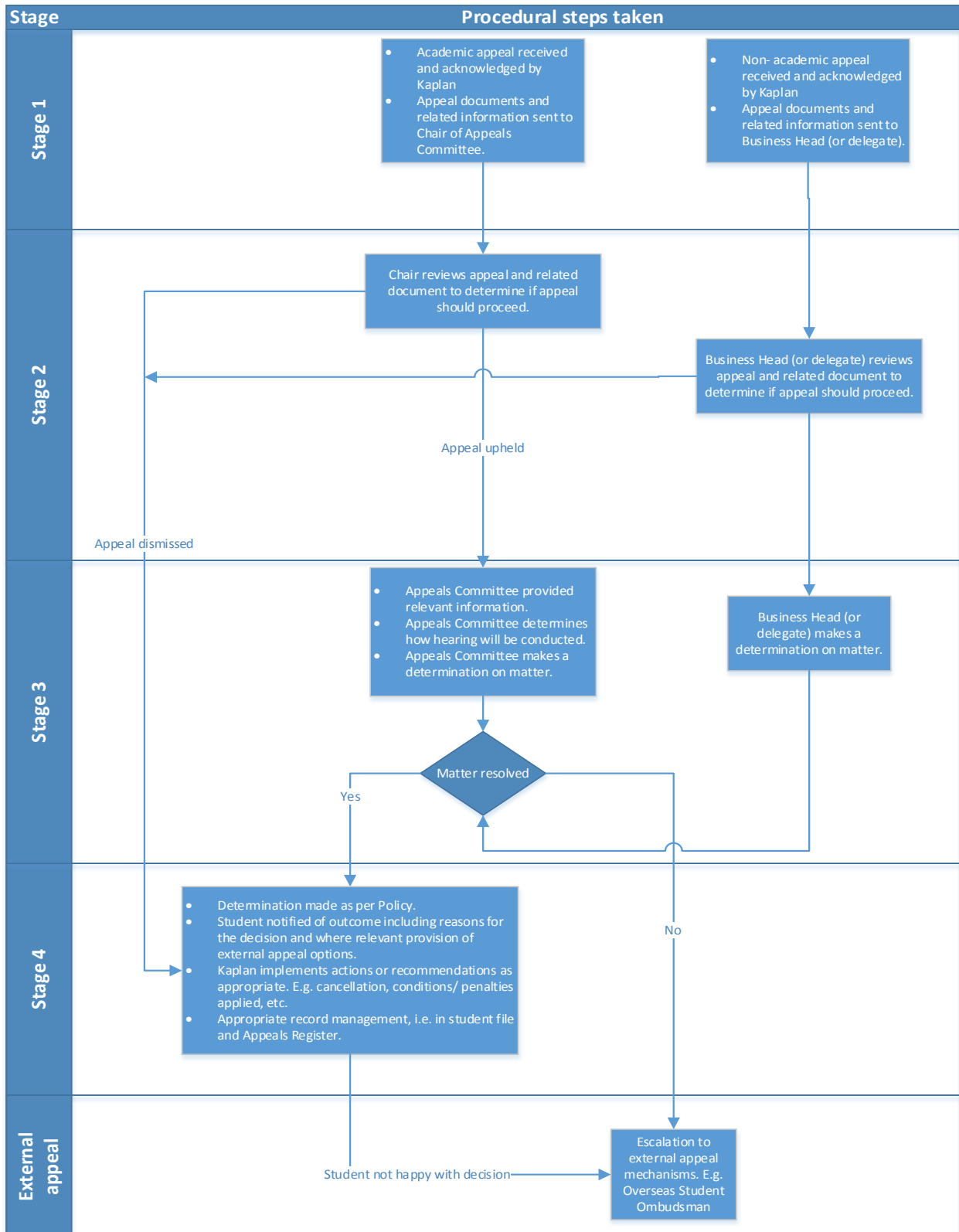
The appellant can withdraw their appeal at any stage in the process. If the appellant does this no further appeals will be accepted. The appeal will be deemed resolved.

Upon upholding an appeal of a complaint, the Appeals Committee or Business Head, as appropriate, may determine what action is to occur. Where the Appeals Committee or Business Head 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 confidential, subject to the operation of law. A student may request access to records of the hearing and reasons for the determination. A decision of the Appeals Committee and Business Head (or delegate) is final and binding on all parties. The appellant may pursue relevant action available to them under Commonwealth or State legislation. Please see Appendix C for a list of relevant external agencies.

Appeals Procedure

Kaplan applies the following procedure to deal with student appeals. Note: there are two different processes depending on the type of appeal.



External Independent Review

If the complainant/ appellant wishes to appeal the decision of the Appeals Committee, the complainant can lodge an external appeal. Students are encouraged to appeal externally after all internal processes have been exhausted under this Policy. Students have 10 working days to access the external appeal agency from the date of the Kaplan internal appeal notification. However, at any part in the complaints or appeals process the complainant can refer the matter to an external agency. (See Appendix C for further details).

Domestic students may request mediation through Resolution Institute <https://www.resolution.institute/>. Resolution Institute mediation will be conducted in accordance with the Resolution Institute Mediation Rules – a copy of which can be obtained from Kaplan on request. No further appeals will be accepted after mediation.

International students can contact the Overseas Student Ombudsman <http://www.oso.gov.au> or the Office of the Training Advocate (SA only) <http://www.trainingadvocate.sa.gov.au/>. 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 within 30 working days of the receipt of the decision by Resolution Institute, the Overseas Student Ombudsman or the Office of the Training Advocate.

Documentation for complaints and appeals

Where a complainant 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 for a minimum of 5 years to allow both parties access to these records upon written request.
- All records are considered confidential and will be covered by Kaplan's Privacy Policy.

Related policies

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

- Access and Equity Policy
- Assessment Policy
- Academic Success Policy
- Academic Integrity and Conduct Policy
- Privacy Policy
- Student Record Management 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 and Registrar			
Review Date	December 2020			
Approved by				
Vice President Academic under a delegation from KBS Academic Board.				
Change and Version Control				
Version	Authored by	Brief Description of the changes	Date Approved:	Effective Date:
2.1	Academic Quality & Governance Team	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> Express sentence in previous policy permitting 20 days to appeal externally removed. 	03.12.2015	17.12.2015
2.3	Academic Quality & Governance Team	<ul style="list-style-type: none"> 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

Appendix A: Student Complaint Form

Before lodging a formal complaint, please ensure that you have followed Stage 1 of the student complaints procedure.

Completed Student Complaint Forms are to be sent to the relevant address identified on page 2 above.

Student Number:		Date:
Mr/Mrs/Ms etc:	Surname or Family Name:	Other or Given Names:
Address:		
Contact Phone Numbers:		Email:
Course enrolled in:		
Subject enrolled in (if relevant):		
Describe your complaint (include details, information etc)		
Have you tried to resolve this issue informally?		YES / NO (please circle)
If Yes, please provide a brief summary of this process		
List or briefly outline any new evidence to be provided		
Student Signature: _____		
Date: _____		

Appendix B: Notice of Appeal

This form is to be completed by a student who is lodging an Appeal to the Appeals Committee or Business Head (or delegate). The form should be used when seeking a review of a Kaplan decision e.g. Notice to report for unsatisfactory academic progress, or a review of a complaints resolution or outcome of academic or non-academic misconduct.

This completed form and any supporting documentation must be submitted to the relevant Kaplan address on page 2 within ten (10) working days of the student receiving a notification of outcome or intention. Before this form is submitted, you must ensure you have valid grounds of appeal and sufficient documentary evidence to support your appeal. Failure to provide this information, may lead to your appeal being immediately dismissed.

Please tick the grounds on which this appeal is being made:

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

Please also tick this box to confirm additional evidence has been attached to justify what has been specified above:

Student name: _____ Student ID number: _____

Subject name: _____ Subject number: _____

Trimester/Year: _____

Details of evidence supporting appeal (attach additional pages if required):

Grounds of Appeal

Supporting evidence

Outcome sought

Student name _____ Student signature _____ Date: _____

Forward completed form and supporting documentation to relevant address as detailed on page 2

Appendix C: External contacts

Provided below is a list of contacts that students may approach for external resolution of complaints and/or appeals. Before contacting these groups, students should ensure they have exhausted the internal avenues of escalation and appeal within Kaplan.

Government and State departments

[Department of Education and Training](#) (ACT)

[Accreditation and Registration Council](#) (ACT)

[Department of Education and Communities](#) (NSW)

[Department of Education and Training](#) (NT) [Department of](#)

[Education and Training](#) (QLD)

[Tasmanian Qualifications Authority](#) (TAS)

[Department of Education](#) (TAS)

[Department of Education and Training](#) (VIC)

[Training Accreditation Council](#) (WA)

[Department of Education](#) (WA)

Complaints resolution groups

[Department of Justice and Community Safety](#) (ACT)

[NSW Fair Trading](#) (NSW)

[Consumer Affairs](#) (NT) [Office of](#)

[Fair Trading](#) (QLD)

[Office of Consumer and Business Affairs](#) (SA)

[Consumer Affairs and Fair Trading](#) (TAS)

[Consumer Affairs](#) (VIC)

[Department of Consumer and Employment Protection](#) (WA)

[Overseas Students Ombudsman](#) or phone 1300 362 072 for more information.

[Equal Opportunity and Human Rights Commission](#) (VIC)

[Australian Human Rights Commission](#)