

# National Academy of Professional Studies (NAPS)

## Student Grievance and Academic Appeals Policy and Procedure

<b>Related Documents</b>	SS000 Student Handbook A009 Student Misconduct Policy and Procedure P003 Privacy Policy R004 Complaints and Assessment Appeals Register SS013 Student Progression and Exclusion Policy SS014 Student Progression and Exclusion Procedure SS012 Students At Risk Early Intervention Procedure Course Progress Warnings SS014L1 #1; #2, #3, #4
<b>HE Standards Framework 2015</b>	1.3 Orientation and Progression 2.4 Student Grievances and Complaints 6.2 Corporate Monitoring and Accountability 6.3 Academic Governance 7.3 Records Management

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## 1. Policy Rationale

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The National Academy of Professional Studies (NAPS) Student Grievance and Academic Appeals Policy and Procedures constitute the formal internal and external review avenues to address students' grievances and appeals in a fair, efficient and transparent manner. NAPS will review the policy as part of continuous quality improvement strategies and in order to ensure that NAPS promotes fairness and equity within its education programmes

Students are informed about this policy and procedures during orientation; they are also available in the NAPS Student Handbook and on the NAPS website. NAPS staff are informed about this policy and trained in its application.

## 2. Overview and Application

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This policy and procedure are applicable to both current students and those seeking to enrol in any of NAPS' programs of study.

All complaints will be attended to in a constructive and timely manner within the time frames provided for in this policy

The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other policies or under statute or any other law. Nothing in this policy and procedure limits the rights of individuals to take action under Australia's consumer protection laws. These procedures do not circumscribe an individual's rights to pursue other legal remedies.

## 3. Guiding Principles

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The following will apply to all stages of the NAPS Student Grievance and Academic Appeals Policy. Confidentiality will be adhered to at all times.

NAPS will adhere to the principles of natural justice and procedural fairness by:

- Informing those involved of allegations involving them or made against them.
- Providing those involved with an opportunity to present their side of the matter; and operating in a fair and unbiased way.
- Acknowledging all complaints and appeals in writing.
- Ensuring that all complaints and appeals will be finalised as soon as practicable.
- Providing in writing the reason for delay in cases where the parties have had to wait more than 60 calendar days to process a complaint or appeal.
- Maintaining records of all complaints and appeals handled under this procedure and their outcomes. This record retention will be retained for a period of at least five years to allow all parties appropriate access to these records, upon written request to the Registrar.
- Allowing all parties to the dispute to bring a support person but not legal counsel.

- Treating all records relating to grievances as confidential and ensuring that NAPS Privacy Policy covers such records.
- Providing that there is no cost to the complainant during the internal stages of the complaints procedure.

## 4. Definitions

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### **Academic Grievance**

Is a grievance relating to student academic progress, academic misconduct, student assessment, curriculum or awards.

### **Complainant**

Refers to students (as defined below) who have lodged a grievance or appeal with NAPS.

### **Non-Academic Matters**

Are administrative matters which do not relate to student progress, assessment, course content or awards in a course, and may include grievances in relation to the support or administrative functions of NAPS.

### **Respondent**

Refers to a person or entity against whom a complaint or appeal is made, which may include another student, staff member or NAPS management.

### **Student(s)**

Refers to all persons, including current and past students enrolled with NAPS, as well as prospective students seeking enrolment with NAPS. Current and past students may lodge academic and non-academic grievances. Prospective students may lodge only non-academic grievances relating to an application, selection or the admissions process.

### **Support Person**

Is a person who accompanies either the complainant, or the respondent, to a complaint resolution meeting.

## 5. Procedure

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### Stage 1 Informal Grievance

In the first instance, the student is encouraged to resolve the issue directly with the person/s concerned. To this end, the student should seek an appointment with the relevant lecturer or the administrative personnel involved. The relevant staff member should make all reasonable efforts to meet the student.

If a student is not satisfied with the outcome, or contact with the staff member/department representative directly involved is not possible, that student can request an appointment with the Dean of the relevant faculty.

## Stage 2 Lodging of Formal Complaint

If the student's grievance cannot be resolved at stage 1, the student may make a formal complaint. This is done by completing a NAPS SS001F Complaints Form, which then must be emailed to the Student Services Manager. Students who are unable to submit the complaint in writing may contact the Student Services Manager to arrange an alternative option of lodgement.

For students who wish to authorise another person to act on their behalf, authorisation must be submitted in writing to the Student Services Manager.

NAPS will not accept a formal complaint more than six months after the latest relevant action, notification of a decision or omission with regard to the subject of the complaint, other than in exceptional circumstances as determined by the Registrar.

The SS001F Form is recorded on NAPS' Complaints and Appeals Register, and the process is managed by NAPS' Registrar from this point. The student will receive written confirmation within 48 hours that their written grievance has been received.

## Stage 3: Investigation

The Grievance Committee shall investigate the complaint submitted in the SS001F Form. The grievance investigation may involve speaking to relevant staff or students, accessing the student's file and/or speaking to external parties. The student will be advised should external parties be involved in the investigation. After the investigation, the Committee will determine whether the matter may be resolved in the student's favour without further action, or whether it is necessary to convene a meeting or conference with the student to provide opportunity to hear the student.

Where the matter is determined in the student's favour, the Registrar shall inform the student and advise any implementation measures within three working days of the conclusion of the investigation. Where it is decided to convene a meeting with the student, the Registrar will inform the student of the scheduled meeting. The investigation shall, wherever possible, be concluded no more than 14 working days from the date of the lodgement of the SS001F Form.

## Stage 4. Meeting/Conference

The Grievances Committee will conduct a face-to-face meeting (where possible) or phone meeting within 21 working days from the date of submission of the formal complaint form. Students are encouraged to bring a support person with them to the meeting, or to be present during the phone meeting if they wish. The Committee will make a determination of the outcome of the meeting with the student and inform the student of the outcome within three working days of the meeting.

## Stage 5: Internal Resolution of Grievance

Notification of the result of the meeting shall state the outcome of the meeting or decision of the Committee and the reason or reasons for that decision. It shall also notify any staff who may be responsible for the implementation of the decision, where this is relevant. The determination shall also include advice to the student about their option to access external mediation if they are not satisfied with the determination by the Committee.

## Stage 6: External Mediation /Dispute Resolution

If a student decides to access external mediation, in the first instance, the student shall notify the President /CEO that they wish the matter to be dealt with through an external dispute resolution process. While this gives the Academy a further opportunity to resolve the matter through its internal processes, it is not, and shall not, be a barrier to the student accessing external mediation.

If a student considers their complaint relates to NAPS' compliance with the TEQSA Threshold Standards, the student may contact TEQSA. See <http://www.teqsa.gov.au/complaints>.

Students will also be referred to the following agencies which deal with mediation and dispute resolution generally:

### *Domestic Students*

#### **Dispute Resolution - The Resolution Institute**

The Resolution Institute is an independent national association of dispute resolution. NAPS students are encouraged to choose the "expert determination" option. NAPS will cover the associated fees.

Level 1 and 2, 13-15 Bridge Street

Sydney NSW 2000

Phone: (+61 2) 9251 3366

Free call: 1800 651 650

Email: [infoaus@resolution.institute](mailto:infoaus@resolution.institute) Website: [www.resolution.institute](http://www.resolution.institute)

#### **Domestic FEE-HELP**

A student who is enrolled in or entitled to FEE-HELP and is not satisfied with the decision may apply to the Administrative Appeals Tribunal (AAT) for a review of that decision. Further information about the AAT, including all costs and required application forms, can be obtained from [www.aat.gov.au](http://www.aat.gov.au).

### *International Students*

An international student may lodge an external appeal or complaint about the decision to the Overseas Student Ombudsman. The Overseas Student Ombudsman offers free and independent advice to international students who may have a complaint about their private education or training provider.

International student are advised to contact:

**The Commonwealth Ombudsman**, who has a specialist role as Overseas Student Ombudsman.

Sydney Office – by appointment only:

Suite 2, level 22, 580 George Street,

Sydney NSW 2000.

Phone: 1300 362 072

International: +61 2 6276 0111

<http://www.ombudsman.gov.au/about/overseas-students/international-students>

## 6. Academic Appeals

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### Appeal against an Academic Decision

- A student who believes there are genuine grounds for contesting an academic decision should first discuss all concerns with the course co-ordinator or Dean. If the discussion does not resolve the student's issue, the student may lodge a written appeal to the Student Services Manager, using the complaints form.
- The student must lodge the complaint within 10 working days of the student being advised of the academic decision, or 10 working days of the result being posted by NAPS.
- The appeal will then be considered in line with Section 4 of this policy.

### Appeal against Cancellation or Suspension of Enrolment

- It is a requirement that students studying at NAPS achieve satisfactory Academic Progress. Students with unsatisfactory course progress and/or attendance below 70% by week 10 are issued with SS014L1 Warning Letter (Email) # 1: re: Notice of Being 'At Risk' and invited to attend a meeting to develop an Intervention Action Plan.
- If a student does not make satisfactory Academic Progress (defined as failing in 50 per cent or more of the subjects studied in one trimester), they will be issued a warning letter (SS014L2 Warning Letter 2: Notice of Academic Probation).
- Students have the right to appeal this warning to NAPS within 20 days of its issue. If the appeal is upheld, no further action is required and NAPS will remove the warning from the student's record. If the appeal is denied, the student will be notified via their student email account that they must attend a Course Progress or Intervention Plan Interview of the details of the prescribed remedial action.
- Students who on track by week 10 to fail in 50 per cent or more of the subjects they study in two consecutive trimesters shall be issued a third warning letter (SS014L3 Warning letter #30 signed by the President and CEO).
- If their end of trimester results indicate unsatisfactory course progress and/or attendance below 70% for a second consecutive trimester, they are sent their final warning: SS014L4 Warning Letter #4 re: Notice of Pending Termination of Course Due to Unsatisfactory Progress. This notifies international students that it is the intention of NAPS to notify the Department of Home Affairs of their poor academic progress.
- Students have the right to appeal the second warning within 20 days of its issue. If they do so and the appeal is upheld, no further action is required of the student and NAPS will remove the warning from their record.
- If the appeal is denied, NAPS will notify the student via their official student email. If a student wishes to contest the result of their appeal, they may request that an independent, external third party deal with the matter, as provided in Stage 6 of this policy.

- If the External Appeal is upheld, no further action will be required of the student, and NAPS shall remove this second warning letter from the student's record within 10 working days. If the student chooses not to submit an appeal, or submits an appeal that is denied, NAPS will initiate relevant action, which may include reporting the student to the Department of Home Affairs or termination of the student's enrolment in the Academy for failing to make satisfactory academic progress.

Matters will also be referred to the Risk Management Committee to consider if further action is required at a policy or procedure level to improve student service in the area of concern.

## 7. Appeal against a Refund Request Decision

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Appeals against the decision made must be lodged within 10 working days of that decision being communicated to the student. The procedure to appeal against an adverse Refund Request decision shall follow Stages 1-6 of this policy.

## 8. Policy Review

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NAPS may make changes to this policy and procedures from time to time to improve the effectiveness of its operation. In this regard, any student or staff member who wishes to make any comments about this policy may forward their suggestions to the Student Services Manager.

## 9. Further Assistance

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Any NAPS student who has questions, or requires more information, about any part of this policy should consult the Student Services Manager.

## 10. Additional Resources

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TEQSA Guidance Note: *Grievance and Complaint Handling*, Beta version 1.0 (Consultation Draft), 23 October 2017: <https://www.teqsa.gov.au/for-providers/resources/guidance-note-grievance-and-complaint-handling>

Commonwealth Ombudsman (2009), *Better Practice Guide to Complaint Handling*.  
[http://www.ombudsman.gov.au/data/assets/pdf\\_file/0020/35615/Better-practice-guide-to-complaint-handling.pdf](http://www.ombudsman.gov.au/data/assets/pdf_file/0020/35615/Better-practice-guide-to-complaint-handling.pdf)

General advice on making complaints in the sector are available on the TEQSA website.

<https://www.teqsa.gov.au/complaints>

Guidelines available on the Ombudsman New South Wales website.

<https://www.ombo.nsw.gov.au/news-and-publications/publications/guidelines/state-and-local-government>

Jackson, J., Fleming, H., Kamvounias, P., and Varnham, S. (2009), *Good Practice Guide for Handling Complaints and Appeals in Australian Universities*. <http://www.olt.gov.au/resources/good-practice?text=grievance>

Appendix 1:

## Students Grievance and Academic Appeals Policy and Procedure Flow Chart

