

STUDENT GRIEVANCE PROCEDURE

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Policy Lead	Director Learning and Innovation
Approving Authority	Board Of Directors
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Commencement date	18 March 2025
Next Review Date	April 2027
Version	2025.1
Relevant legislation or external requirements	<p>National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code) (NC: 8, 10)</p> <p>Higher Education Standards Framework (Threshold Standards) 2021 (HESFs: 2.3 (1-5), 2.4 (1-5), 7.2.2(f))</p> <p>Education Services for Overseas Students Act 2000 (Cth) (ESOS Act)</p> <p>Education Services for Overseas Students Regulations 2019 (Cth) (ESOS Regulations)</p> <p>Tertiary Education Quality and Standards Agency Act 2011 (TEQSA Act)</p> <p>Higher Education Support Act 2003</p> <p>Higher Education Provider Guidelines 2023 (Cth)</p> <p>Corporations Act 2001 (Cth) (Corporations Act)</p> <p>Competition and Consumer Act 2010</p>
Related ASA Documents	<p>Student Grievance Policy</p> <p>Quality Assurance Framework</p> <p>Student Support Framework</p> <p>Student Code of Conduct</p> <p>Sexual Assault and Sexual Harassment Policy and Procedure</p> <p>Discrimination, Bullying, and Harassment Policy and Procedure</p> <p>Student Support, Wellbeing, and Health Policy and Procedure</p> <p>Student Admissions Policy</p> <p>Student Admissions Procedure</p> <p>Recognition of Prior Learning Policy</p> <p>Recognition of Prior Learning Procedure</p> <p>Student Assessment Policy</p> <p>Student Assessment Procedure</p> <p>Student Assessment Review Policy</p> <p>Student Assessment Review Procedure</p> <p>Special Consideration Policy and Procedure</p> <p>Student Enrolment and Attendance Policy and Procedure</p> <p>Academic Integrity Policy</p> <p>Academic Misconduct Procedure</p> <p>Student Progression and At Risk Policy</p> <p>Student Progression and At Risk Procedure</p> <p>Student Fees, Charges, and Refund Policy</p> <p>Student Fees, Charges, and Refund Procedure</p> <p>Deferral, Suspension, and Cancellation Policy and Procedure</p> <p>Student Transfer Policy and Procedure</p>

1. Purpose

This procedure sets out clear and systematic processes for addressing and resolving student grievances at ASA Institute of Higher Education (**ASA**). It aims to ensure fairness, transparency, and accessibility in managing student concerns, promoting a positive and supportive learning environment.

2. Scope

This procedure applies to all grievances related to students at ASA, including admissions, student experience, academic matters, wellbeing, and completion. It encompasses concerns not addressed under separate review, appeal, resolution, or complaint processes. For international students, this includes grievances and complaints against Education Agents (as defined by the National Code).

This procedure is open to students and applicants, regardless of campus location, study mode, or place of residence. If a student opts to use this procedure, their enrolment will be maintained during the ongoing complaint and appeals process.

Students are encouraged to continue their studies during this procedure, except in circumstances jeopardising well-being, health, or safety. There is no cost to the complainant for utilising the internal stages, and external appeal costs are shared equally by ASA and the complainant. The procedures outlined in this document do not substitute or alter any procedures or responsibilities that may emerge from other ASA policies, statutes, or any other laws. Furthermore, these dispute resolution procedures do not limit an individual's rights to seek alternative legal remedies.

3. Procedure

This procedure is available for complainants to submit grievances of either an academic or non-academic nature.

Academic grievances encompass concerns related to:

- assessment, including results,
- delivery of academic material,
- teaching quality, and
- unit content or resources within a course of study.

Non-academic grievances pertain to all other matters, and may include:

- timetables,
- fees,
- cancellation of course enrolment,
- student administration or support,
- technical support, and
- privacy concerns.

Complaints and appeals will only be considered within three months from the date of the decision or determination relating to the grievance, or three months of cessation of enrolment whether through withdrawal or exclusion or for applicants, whichever is sooner. This procedure does not limit a person's ability to seek redress as set out in Australian legislation.

Throughout every stage of this procedure, ASA is committed to ensuring that:

- The complainant and any respondent are not subjected to victimisation or discrimination.
- The complainant is afforded the opportunity to formally present their case; both parties involved may be accompanied and assisted by a support person during any

relevant meetings.

- A comprehensive, written explanation of decisions and actions taken in the process will be provided upon request by the complainant or a respondent.
- In the event that the internal or external grievance handling process yields a decision in favour of the complainant, ASA will promptly implement any required decisions and/or corrective and preventative actions, informing the complainant of the outcome.
- Complainants have free access to the internal stages of this grievance procedure.
- If an applicant/student chooses to have the matter resolved by an external reviewer for resolution, the student or applicant may be charged for half of any external mediation cost (if applicable).
- If an applicant/student decides to seek resolution at the Administrative Review Tribunal (**ART**) the applicant/student is responsible for their own costs and any application fee/s charged by the ART.

3.1 Stage 1: Informal Complaint

ASA believes it is preferable that any grievance be resolved promptly and informally between the parties. Students or applicants who are dissatisfied with an aspect of ASA are encouraged to approach a relevant staff member, including but not limited to, student service officers and lecturers. Questions or concerns about an assessment result must first be raised directly with the academic staff member who marked or graded the assessment, as detailed in *Student Assessment Review Policy* and associated procedure.

Students or applicants should contact the staff member either in person, via email or through the Learning Management System (**LMS**). Informal discussion or an in-person appointment often assists students to resolve any concerns quickly and simply.

- This informal process should be initiated as close as possible to the cause of complaint.
- The staff member should respond to the informal complaint no later than five (5) working days after the receipt of the complaint.
- The student or applicant should clearly state the nature of the grievance and provide any evidence to support their claims.

3.2 Stage 2: Formal Internal Complaint

A formal internal complaint can be lodged by students or applicants who are dissatisfied with the response to an informal complaint. A student or applicant can lodge a formal complaint by completing the *Student Grievance Form* available on the ASA website, for either academic or non-academic complaints.

The Academic Dean reviews formal academic complaints and determines the outcome. The Director Learning and Innovation reviews formal non-academic complaints and determines the outcome.

- A formal complaint must be submitted within 20 working days of the identified matter via the *Student Grievance Form*. If a complaint is submitted after this period, the Academic Dean may still consider the complaint on a discretionary basis.
- The submission of the *Student Grievance Form* must clearly state:
 - a. a brief background to the grievance;

- b. the nature of the grievance;
 - c. what steps have been taken already (including dates if applicable); and
 - d. a brief description of the complainants desired outcome.
- The Academic Dean or the Director Learning and Innovation, or delegate, will consider the complaint and any other relevant context. They may:
 - a. designate any staff member, who has not had prior involvement in the case, to assist with the investigation,
 - b. form a working party to investigate and report on the matter,
 - c. consult with relevant academic and administrative staff as well as students of ASA (if relevant) on matters pertaining to the case, and/or
 - d. request the student, or applicant, to meet with them in person or via telephone, teleconference to discuss the case or email if the applicant is overseas.
- The Academic Dean or the Director Learning and Innovation, or delegate, will respond directly in writing to the complainant, no later than ten (10) working days after the receipt of the formal complaint and all required documentation has been submitted.
- The written response will state:
 - a. the outcome of the complaint;
 - b. the reason/s for the determination; and
 - c. avenues for appealing the outcome.

3.3 Stage 3: Formal Internal Appeal

The CEO reviews and determines formal non-academic appeal outcomes due to their delegated authority from the Board of Directors. Non-academic appeals may be lodged within 20 working days of a complaint outcome regarding:

- Outcomes arising from non-academic complaints, or
- ASA-initiated deferral, suspension or cancellation.

The Academic Appeals Committee reviews and determines formal academic appeal outcomes. The Academic Appeals Committee has delegated authority from the Academic Board to determine, and uphold, or dismiss student appeals relating to academic decisions. Academic appeals may be lodged regarding:

- Outcomes arising from academic complaints.

The ASA Academic Appeals Committee/CEO will

- Consider the appeal and all documentation/evidence presented within and attached to the appeal form
- May seek additional evidence or clarification on matters from staff or students,
- Ensure the general principles of natural justice and procedural fairness are maintained.
- Ensuring appropriate confidentiality is maintained.
- Interview staff or students as required, including those against whom the appeal is made and the person making the appeal, ensuring all parties are aware of the right to have their chosen support person in attendance at the interview.

The ASA Academic Appeals Committee/CEO will provide the student with a written statement of the outcome, including details of the reasons for the final decision. This written statement will be forwarded directly to the student concerned no later than ten (10) working days after the receipt of the grievance documentation. The Appellant will be informed of avenues for external redress of grievances.

4. Possible Grievance Outcomes

1. At the conclusion of the investigation, it is important to consider and implement appropriate resolutions for the grievance.
2. When feasible, ASA will seek resolutions that will allow for a productive and harmonious work or study environment, aiming to restore, preserve, and enhance essential relationships. Discussing suitable outcomes with the involved parties during the investigation process is crucial.
3. If substantiated allegations are present, appropriate outcomes may include:
 - a. A demand for the complainant to receive an apology and/or addressing the reported issue or modifying the behaviour.
 - b. A requirement for the respondent to undergo training or development.
 - c. Implementation of measures to address any potential workplace or classroom repercussions.
 - d. If agreed upon by the complainant, seeking resolution through mediation facilitated by an agreed, trained professional.
 - e. Counselling, facilitated by a trained counsellor, including external counsellors, for both the complainant and/or respondent.
 - f. Establishing a monitoring period to evaluate the progress of the implemented strategies.
 - g. Disciplinary action, in which case the matter would be referred to the appropriate disciplinary procedure.
4. If the allegations are not substantiated, suitable outcomes may involve:
 - a. Providing the complainant with feedback to enhance their understanding of the situation and address concerns.
 - b. Implementing measures to restore the work or study relationship, such as facilitation or mediation by an agreed, trained professional.
5. If the allegations cannot be substantiated or disproven, suitable outcomes may involve:
 - a. Advising both parties that no further action is required.
 - b. Providing training and development for both parties.
 - c. Implementing measures to restore the work or study relationship, such as facilitation or mediation by an agreed, trained professional.
 - d. Negotiating 'behaviour agreements' outlining the expected conduct between the parties in the future and specifying consequences if these terms are not met.
 - e. Establishing a monitoring period to evaluate the progress of the implemented strategies.
6. Should the grievance persist without resolution, and depending on the nature of the matter, it may be escalated to an external agency.

5. External Grievance Processes

5.1 Stage 4: External mediation

If the student's, or applicant's grievance remains unresolved following consideration by the ASA CEO or Academic Appeals Committee, the student or applicant may request a resolution through an external independent reviewer.

If the Complainant is not satisfied with the outcome of their appeal, then an independent mediator can be requested through the Resolution Institute. Complainants can contact the Resolution Institute directly as follows:

Address: Level 1 and 2, 13-15 Bridge Street, Sydney NSW 2000

Phone: 02 9251 3366/Freecall: 1800 651 650

Email: infoaus@resolution.institute

Costs of such mediation will be shared equally by ASA and the complainant. As a guide mediator's costs would be \$440 for the first four hours (or part thereof). Subsequent hours would be \$165 per hour. It is common for most disputes to be resolved within the initial four-hour allocation.

ASA will give due consideration to any recommendation/s arising from an external review within thirty (30) working days of receipt of the recommendations. The CEO/ASA Academic Appeals Committee will be responsible for ensuring that any accepted recommendation(s) are fully implemented.

If a student remains dissatisfied with the outcome of an external resolution, they may take up the matter with an external regulatory or oversight body that may address their concerns relevant to the grievance.

5.2 Stage 5: External complaints

Students can also choose to request a free and independent external review service through the National Student Ombudsman, although they may not be able to cover all areas that may be at issue in the grievance.

For complaints relevant to the Institute's compliance with the Higher Education Threshold Standards or the TEQSA Act, students may wish to lodge a complaint with the Tertiary Education Quality and Standards Agency (TEQSA). For further information, please go to the TEQSA website: <http://www.teqsa.gov.au/complaints>.

If a complaint remains unresolved after the external dispute resolution process, the complainant may decide to refer the matter to an external agency, depending on the nature of the complaint, such as the Administrative Review Tribunal (ART), the Anti-Discrimination Board or The Office of Fair Trading.

Appeals to the ART can be made online via: <https://online.aat.gov.au/>.

Alternatively, complaints can be lodged by:

- emailing reviews@art.gov.au
- visiting the Sydney Registry Office at Level 6, 83 Clarence Street, Sydney, between York Street and Kent Street.
- sending a letter to the Sydney Registry office at GPO Box 9955, Sydney NSW 2001

An application fee is payable to the Administrative Review Tribunal. The fee must be paid prior to the ART reviewing the application. The standard application fee is \$1,121.

6. Version Control

This Procedure has been reviewed and approved by the ASA Board of Directors as at March 2025 and is reviewed every three years.

The Procedure, with associated Policy, are published and available on the ASA website <https://www.asahe.edu.au/policies-and-forms/>.

Change and Version Control				
Version	Authored by	Brief Description of the changes	Date Approved:	Effective Date:
2025.1	Director Quality and Compliance	Expanded coverage for domestic students, added external mediation option, and inclusion of the new National Student Ombudsman.	11/03/2025	18/03/2025
2024.4	Director Quality and Compliance	Extend timeframe for complaint and appeals to be lodged.	15/08/2024	22/08/2024
2024.3	Project Officer	Document formatting updated to reflect change of Trading Name to ASA Institute of Higher Education	28/06/2024 by CEO	01/07/2024
2024.2	Director Quality and Compliance	Clarification of informal complaint, complaint, and appeal categories. Inclusion on non-academic appeal procedural detail.	02/05/2024	13/05/2024
2024.1	Director International Recruitment	New procedure to supplement the associated policy.	29/01/2024	29/01/2024

Appendix 1: Steps to resolve a grievance

Stage 1: Informal Complaint

Students or applicants should contact the staff member either in person, via email or through the Learning Management System (**LMS**). Informal discussion or an in-person appointment often assists students to resolve any concerns quickly and simply.



Stage 2: Formal Internal Complaint

Lodge a formal **complaint** within 20 working days. Complete the *Student Grievance Form* available on the ASA website. <https://asahe.edu.au/policies-and-forms/>

Include: what went wrong, what you have already done to try to get it fixed, and what you want ASA to do. Include any evidence you have regarding the problem.

Consider the type of complaint:

Academic grievances encompass concerns related to:

- assessment, including results,
- delivery of academic material,
- teaching quality, and
- unit content or resources within a course of study.

Non-academic grievances pertain to all other matters, and may include:

- timetables,
- fees,
- cancellation of course enrolment,
- student administration or support,
- technical support, and
- privacy concerns.

The Academic Dean or the Director Learning and Innovation, or delegate, will respond directly in writing to your ASA email address



Stage 3: Formal Internal Appeal

Lodge a formal **appeal** within 20 working days. Complete the *Student Grievance Form* available on the ASA website. <https://asahe.edu.au/policies-and-forms/>

Include: what went wrong, what you have already done to try to get it fixed, and what you want ASA to do. Include any evidence you have regarding the problem.

The Academic Appeals Committee or the CEO, or delegate, provide you with a written statement of the outcome, including details of the reasons to your ASA email address within ten (10) working days after the appeal and all required documentation has been submitted.



Stage 4: External mediation

If the Complainant is not satisfied with the outcome of their appeal, then an independent mediator can be requested through the Resolution Institute. Complainants can contact the Resolution Institute directly as follows:

Address: Level 1 and 2, 13-15 Bridge Street, Sydney NSW 2000

Phone: 02 9251 3366 / Freecall: 1800 651 650

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ASA will give due consideration to any recommendation/s arising from an external review within thirty (30) working days of receipt of the recommendations. The CEO/ASA Academic Appeals Committee will be responsible for ensuring that any accepted recommendation(s) are fully implemented.



Stage 5: External Complaint

Students can also choose to request a free and independent external review service through the National Student Ombudsman, although they may not be able to cover all areas that may be at issue in the grievance.

the complainant may decide to refer the matter to an external agency, depending on the nature of the complaint, such as the Administrative Review Tribunal (**ART**), the Anti-Discrimination Board or The Office of Fair Trading.

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