

## Student Complaints and Appeals Policy

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### 1. PURPOSE

This Policy provides framework and principles for fair, equitable and effective structure to manage JMC Academy student complaints and appeals promptly, productively and honestly. Student complaints and appeals system is an opportunity for JMC Academy to review and improve its practices and the overall student experience.

### 2. SCOPE

This policy applies to all JMC Academy's students (including potential students), and to all the staff involved in managing or responding to complaints and appeals.

The *Student Complaints and Appeals Policy* and its associated *Procedures*, cover any aspect of a student's experience at JMC Academy. It covers, but is not limited to, student complaints and appeals about their experience, dissatisfaction or concern with:

- The application, admission and enrolment processes,
- Interactions with JMC Academy staff or other students,
- The provision and quality of JMC Academy courses offered,
- General administration matters
- Student support services,
- Decisions of JMC Academy related to financial or administrative matters,
- Assessment and progression and other academic related matters,
- Dealings with JMC Academy's international education agents,
- Dealings with any JMC Academy related party where an arrangement exists to deliver the course or related services,
- Matters regarding decisions concerning International students,
- Bullying, discrimination, harassment or sexual misconduct.

This policy and the associated procedures are not intended to limit the rights of individuals to take action under the relevant State or Commonwealth Law or an individual's rights to pursue other legal remedies.

### 3. DEFINITIONS

#### **Appeal**

An appeal is an application for a review and reversal of a decision or an outcome, previously made by JMC Academy, by virtue of an error or breach of procedural fairness in the initial decision.

**Appellant** means the student(s) submitting an appeal under the Student Complaints and Appeals Procedure.

#### **Complaint**

A complaint is a student's expression of an unsatisfactory or unacceptable experience within the control or responsibility of JMC Academy. This includes operations, services, facilities, decisions or the conduct of JMC Academy staff and/or students.

**Complainant** means the student(s) submitting a complaint under the Student Complaints and Appeals Policy.

### **JMC Representative**

For the purposes of this Policy, this is the JMC Academy staff member responding to an *Application to Lodge a Formal Complaint Form*, normally the Campus Manager or in instances where there may be a conflict of interest, the Director of Finance and Operations.

### **Student**

This includes all enrolled students (commencing and continuing), as well as 'potential students'. A JMC Academy student may be either a domestic or international student.

### **Potential student**

A potential student is a person who has not yet enrolled in a course of study at JMC Academy. They have however had contact with JMC as part of the application and enrolment process.

For definitions not listed here please refer to *JMC Academy Glossary*.

## **4. POLICY**

At JMC Academy:

- Information about JMC Academy's complaints and appeals procedures are made available to all students prior to enrolment through our website and prospective student information, and subsequent to enrolment, through handbooks, websites and our student learning management system.
- Neither the student making the complaint or appeal nor the person(s) against which the complaint or appeal is being made will be victimised or discriminated against at any stage of the resolution process.
- All complaints and appeals will be handled professionally and with confidentiality, striving for a resolution that is satisfactory, fair and equitable to all parties.
- Students are given an opportunity to formally present their case at minimal or no cost and may be accompanied and assisted by a support person at any relevant meetings.
- The resolution process for student complaints is a tiered system including external mediation, encouraging students to initially resolve their matter immediately with the person or persons involved. Should that approach be unsuccessful or unsafe then the student can initiate the formal resolution process. The Student Complaints and Appeals Procedure outlines the steps in the process.
- The resolution process for a student appeal is a tiered system including external appeal. The Student Complaints and Appeals Procedure and the International Students Appeal against Intention to Report Procedure outline the steps in the process.
- The formal resolution process is conducted objectively, confidentially and with the aim of achieving a good outcome in a timely manner.
- Students are given a written statement of the outcome of the internal appeal, including detailed reasons for the outcome
- A written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome is kept.
- The Student Complaints and Appeals Procedure is undertaken by JMC Academy with no cost to the student.
- There is a consistent response to complaints and appeals.
- Student complaints and appeals are an opportunity to improve JMC Academy systems and processes.

- The complaints and appeals handling system is student focussed and aims to prevent similar matters from recurring.

#### 4.1. PRINCIPLES

JMC Academy's procedures for handling student complaints and appeals are underpinned by principles of mutual respect and procedural fairness for all students, staff and others who may be involved.

The JMC Academy complaints resolution process comprises the following four stages:

- Informal Resolution,
- Formal Resolution,
- Internal Appeal, and
- External Mediation.

The following general principles of procedural fairness apply to all stages of the process:

- Maintaining appropriate confidentiality,
- Acknowledging of all formal complaints in writing,
- Treating complainants and appellants with courtesy and respect and taking reasonable steps to prevent discrimination or victimisation,
- The respondent is adequately informed of allegations and proceedings,
- All parties are provided with the opportunity to respond and be heard,
- Decision makers are without conflict of interest or prior involvement in the case,
- Decisions and processes are free from bias,
- Pursuit of an expeditious resolution, consistent with the need to act fairly,
- All parties are advised of the decision and the reasons for the decision in writing, including but not limited to, detail of the internal appeal process and/or external mediation service.

#### 5. RECORDS of COMPLAINTS and APPEALS

The JMC representative charged with the formal resolution of complaint and the Chair of a Student Appeal Committee will lodge a report of the process and outcomes of the complaint or appeal hearing to the Governing Council.

Details of the reports will be entered into the JMC Academy Complaints and Appeals Register.

#### 6. POSITIONS RESPONSIBLE FOR IMPLEMENTING POLICY

- Governing Council
- Academic Board,
- Chief Executive Officer
- Director of Education
- Director of International Services
- Campus Manager
- Administration
- JMC Academy Students
- JMC Academy Staff

#### 7. RELATED DOCUMENTS

- Discrimination, Bullying, Harassment and Sexual Misconduct Policy
- Diversity Equity and Inclusion Policy
- Student Complaints and Appeals Procedure
- Sexual Harassment Procedure

- Sexual Assault Procedure
- International Students Appeal against Intention to Report Procedure
- Personal Information and Privacy Policy
- Academic Integrity Policy and related procedures
- A Statement of JMC Academy Principles of Procedural Fairness
- JMC Academy Glossary
- Student Code of Conduct

## 8. RELATED LEGISLATION

This Policy supports JMC Academy's compliance with the following legislation:

- Higher Education Support Act 2003 (Cth),
- Higher Education Standards Framework (Threshold Standards) 2015,
- Education Services for Overseas Students (ESOS) Act 2000 (Cth),
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018
  - ESOS National Code 2018, Part B, Standard 10

## 9. POLICY REVIEW DATE

14<sup>th</sup> July, 2022

## 10. VERSION CONTROL TABLE

| Title               | <i>Student Complaints and Appeals Policy</i> |  |               |   |
|---------------------|--|--|---------------|---|
| Maintained By       | Education Team                               |  |               |   |
| Approving Authority | Governing Council                            |  |               |   |
| Approved Date       | 05/08/2019                                   |  |               |   |
| Version Number      | Modified By                                  | Modifications Made   | Date Modified | Status  |
| 1.0                 | G. Markakis                                  |  | 13/02/2014    | Superseded  |
| 2.0                 | G. Jedlinska                                 | Added related legislation section, amended related documents and positions, reformatted document, added version control table  | 25/09/2018    | Approved by the Governing Council on 05/10/2018<br>Superseded |
| 2.1                 | G. Markakis                                  | Retitled the policy to, ' <i>Student Complaints and Appeals Policy</i> '<br>Slight rewording to include the Appeals Procedure.   | 3/10/2018     | Superseded  |
| 2.2                 | G. Markakis                                  | Broadening of the Scope of the policy to encompass additional elements.  | 10/10/2018    | Superseded  |
| 2.3                 | G. Jedlinska                                 | Scope amended to include matter concerning International students, bullying, discrimination, harassment, sexual harassment and sexual assault. Terms of Reference of Student Appeals Committee amended to reflect recent changes to policies and procedures related to resolving complaints and managing appeals | 03/07/2019    | Approved as Health Check by G. Markakis on 05/08/2019         |