

Student Complaints and Appeals Procedure

1. PURPOSE

The purpose of this procedure is to provide a framework that promotes the timely and fair resolution of complaints and appeals raised by students, prospective students and members of the JMC Academy community.

2. SCOPE

This procedure applies to all JMC Academy's students (including potential students) and includes staff who are involved in managing or responding to a complaint and/or appeal.

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

- The application and enrolment processes
- Interactions with JMC Academy staff or other students
- The provision and quality of JMC Academy courses offered
- Administration matters and student support
- Assessment and progression
- Bullying, discrimination and harassment
- Dealing with JMC Academy's international education agents
- Dealing with any JMC Academy related party where an arrangement exists to deliver the course or related services.

The following matters are outside the scope of this procedure:

- Alleged instances of:
 - Sexual harassment or assault
 - Criminal activity
- Decisions to Report International Students
- Deferring, suspending and Cancelling International Students.

For these matters, please refer to the following procedures:

- Sexual Harassment Procedure
- Sexual Assault Procedure
- Student Misconduct Procedure
- International Students Appeal against Intention to Report Procedure.

If a complaint has been dealt with formally under another procedure, it cannot also be dealt with under this procedure.

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 can be defined as a student's expression of an unsatisfactory or unacceptable experience within the control or responsibility of the 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 Procedure.

JMC Representative

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 overseas 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's Glossary.

4. PROCEDURE

Students are advised of the JMC Academy' complaints and appeals policy and procedures by the following means:

- Within the Student Acceptance Agreement and Student Handbook;
- On the JMC Academy website;
- Within the information provided by student services;
- By publication, from time to time, of bulletins and notices.

4.1 PRINCIPLES

The 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.

4.1.1 The informal resolution process

JMC Academy students are strongly encouraged to attempt to resolve their concerns informally by making an initial approach to the relevant student or staff member to discuss the matter. This informal method allows all parties to explore the options and to make their own decisions about how to best resolve a complaint.

The academic support officer is generally the first point of call for students who may want to make a complaint or lodge an appeal or simply wish to discuss their options on any matters of concern. To ensure all issues are addressed by the appropriate person, with student consent, the academic support officer may raise the issue with the relevant staff members and attempt a resolution.

Questions, complaints, or appeals dealt with in this way do not become part of the formal complaint or appeal process and will not be documented, recorded or reported on unless the academic support officer involved determines that the issue – question, complaint, or appeal – was relevant to the wider operation of the JMC Academy as it identifies potential areas of risk or improvement, in which case the Campus Manager would be advised.

4.1.2 The formal resolution process

Students can initiate the formal resolution process when or if:

- The student was unable to informally resolve the matter
- The student felt the matter was too serious and needed to be treated with more formality
- The student was not satisfied with the outcome of the informal resolution process.

The formal complaint must be submitted by the student in writing using the *Application to Lodge a Formal Complaint Form* to the relevant Campus Manager within ten (10) working days after the latest relevant action or notification of a decision regarding the matter. Applications received later than the prescribed time will only be considered at the discretion of JMC Academy.

A formal complaint should include a detailed breakdown of the reasons for the grievance and include any supporting materials or evidence that is relevant to the matter as well as the outcome sought by the student.

Assistance in completing the *Application to Lodge a Formal Complaint Form*, if required, may be provided by the Academic Support Officer.

In the event that a complaint is against the Campus Manager, the *Application to Lodge a Formal Complaint Form* should be forwarded to the Director of Finance and Operations.

For the purposes of this procedure, the relevant person who is required to deal with the *Application to Lodge a Formal Complaint Form* will be referred to hereinafter as the 'JMC Representative'.

Once the JMC Representative receives the student's formal written request they will promptly acknowledge receipt. At this stage the JMC Representative may also make an assessment as to whether the complaint is vexatious, trivial or frivolous and may choose to dismiss the complaint and notify the student. This does not preclude the student from seeking a review by an external body.

Should the complaint be lodged by an international student, the JMC Representative will inform the International Services Division and consult with them throughout the process.

It is the JMC Representative's responsibility to consider the complaint, and how it can best be resolved. This should include:

- Meeting with the student to discuss the matter in more detail and to provide the opportunity for the student to formally present their case. The student can choose to be accompanied by a friend, relative or colleague, but not a legal representative, at this stage.
- Talking to the other party/ies involved
- Gathering other evidence as required
- Referring to any past complaints similar in nature to see what the resolution was in those circumstances

Once the JMC Representative is satisfied that they have collected enough information to assess the complaint, then they will take the necessary steps to decide, fairly, equitably and in the student's best interest.

The JMC Representative will provide the student no later than ten (10) working days after receiving their formal request a written statement of the outcome including details of the reasons for the decision. If it is not possible to achieve a resolution within this timeframe the complainant will be advised of this and will be kept informed of the progress of the complaint.

The JMC Representative will log the formal complaint and the outcome in the complaints register and report it at the next scheduled Senior Management Meeting.

Should the student remain dissatisfied with the decision of the formal resolution process they can appeal the outcome by submitting an *Application to Lodge an Appeal Form*.

4.1.3 The appeal process

A student concerned with an academic or administrative decision, or who believes an error has been made, should:

- Enquire and consult with the person who made the relevant decision so as to be provided with any further relevant information and/or to gain a clearer understanding of the basis for the decision
- Prior to appealing an academic matter, check the stated criteria in the unit outline or policies documents before seeking and receiving feedback from the decision maker
- Prior to appealing a student conduct matter, check the relevant policies in relation to personal conduct and confirm grounds for the appeal

A formal appeal can be made for one or more of the following reasons:

- The Student believes that the decision contravenes a relevant published rule or policy
- The Student can provide new evidence that potentially could change the outcome,

- The Student believes the procedure was unfair. In this case, they must refer to the *Statement of JMC Academy Principles of Procedural Fairness*.

A student must submit the appeal in writing, using the *Application to Lodge an Appeal Form* addressed to the Chief Executive Officer within ten (10) working days of the notification of the outcome of the request for a formal resolution and must include justification for the appeal. This means the student will need to:

- Explain what rule or policy was not adhered to with specific references
- Explain why the condition imposed was inappropriate
- Describe and/or provide the new evidence and/or,
- Write about how they think the procedure was unfair, referencing the Statement of JMC Academy Principles of Procedural Fairness,
- Detail the outcome sought.

Assistance in completing the *Application to an Appeal Form*, if required, may be provided by the Academic Support Officer.

Upon receipt of the appeal the Chief Executive Officer will confirm whether the submission satisfies the grounds for review. If the appeal submission is rejected, the Chief Executive Officer will advise the student in writing of this outcome with supporting reasons and information regarding external mediation.

Where the appeal submission is not rejected, the Chief Executive Officer will write to the student, no later than ten (10) working days of receiving the request for an appeal, that the appeal will be heard by the Governing Council. The JMC Academy's Governing Council hears all appeals in respect of complaints about JMC Academy services and products.

The Governing Council will conduct what is referred to as an Appeal Hearing. The Chief Executive Officer will make sure they have all the relevant documents no later than five (5) working days before the date of the Hearing. Depending on timing, the Chief Executive Officer will decide whether the matter can be heard 'out of session' or at the next scheduled meeting of the Governing Council.

The student will be given at least ten (10) working days' notice of the date of the Appeal Hearing. Any other people involved or invited by the Governing Council to participate in the matter will be given the same written notice and the opportunity to be heard. If the complaint involves any member of the Governing Council, then they will not be involved in the Hearing or any other activity that is part of the Appeal process.

At the Appeal Hearing the student will be given an opportunity to discuss their case with the members of the Governing Council and can expect to be treated with courtesy and without fear of victimisation or prejudicial treatment. The student can bring a support person to that meeting if they so desire and have the right to be represented by someone else at the Hearing if they feel they are unable to attend in person. Whether the student brings a support person or are to be represented by someone else at the Hearing, they are not there to provide legal advice or legal representation.

The Governing Council will hear and consider each case on its merit/s, considering all relevant circumstances, the evidence provided and how the resolution process/es were conducted.

The Council shall reach its decision after consideration of all evidence available and will be decided by a majority vote of the members, each of whom has equal voting rights.

The Governing Council may decide to:

- Confirm the outcome/decision against which the student lodged their appeal,
- Uphold the appeal,
- Remove or modify any penalty imposed on the student,
- Ask the JMC Representative to undertake another course of action to resolve and close the matter.

The Secretary of the Governing Council will:

- Document the decision and the reasons for the decision,
- Contact the JMC Representative with the decision and the reasons for the decision,
- Prepare the written communication for co-signing by the Chair of the Governing Council and the JMC Representative,
- The written advice shall be sent to the student's nominated address,
- This written advice will advise the student that if they are dissatisfied with the Governing Council's decision, then they can proceed to an external mediation service.

The written advice will let the student know that JMC Academy will meet the costs of this external resolution process.

As there is no other avenue within JMC Academy to have this matter heard again, if the student is still unhappy with the outcome, then they can initiate an external resolution process involving a professional mediation service.

4.1.4 The external mediation process

If the student is not satisfied with the decision of the Governing Council, they can then request the matter be dealt with through an external mediation service. If the student decides to go to external mediation, then they must write to the Chief Executive Officer to advise of their decision, no later than ten (10) working days after the notification of the outcome of their appeal.

JMC Academy will participate fully in this process and will meet all reasonable costs incurred.

Students will be referred to the:

Resolution Institute

The Resolution Institute is an independent national association of dispute resolution.

Level 1, 13-15 Bridge Street

Sydney NSW 2000

Phone: (+61 2) 9251 3366

Fax: (+61 2) 9251 3733

Free call: 1800 651 650

Email: infoaus@resolution.institute

Website: www.resolution.institute

Other Services

International Students

An international student may also lodge a 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, however does not handle complaints about the quality of the education provider.

Overseas Student Ombudsman

GPO Box 442 Canberra ACT 2601

Phone: 1300 362 072

www.oso.gov.au

If the external complaints process results in a decision or recommendation in favour of the student, the JMC Academy will immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the student of that action.

5. COMPLAINTS and APPEALS

Students may access the Student Complaints and Appeals Policy – and its associated procedures – at any time, against any decisions prescribed in this procedure.

6. POSITIONS RESPONSIBLE FOR IMPLEMENTING PROCEDURE:

- 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
- Student Complaints and Appeals Policy
- Personal Information and Privacy Policy
- Record Management Policy and Procedure
- International Students Appeal against Intention to Report Procedure
- Statement of JMC Academy Principles of Procedural Fairness
- JMC Academy Glossary

8. RELATED LEGISLATION

This Procedure supports JMC Academy's compliance with the following 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. PROCEDURE REVIEW DATE

28th February, 2021.

10. VERSION CONTROL TABLE

Title	<i>Student Complaints and Appeals Procedure</i>			
Maintained By	CEO			
Approving Authority	Governing Council			
Approved Date	11/10/2018			
Version Number	Modified By	Modifications Made	Date Modified	Status
1.0	G. Markakis		01/09/2018	Superseded
2.0	G. Jedlinska	Added related legislation section, amended related documents and positions, reformatted.	25/09/2018	Superseded
2.1	G. Markakis	Retitled the procedure to ' <i>Resolving Student Complaints Procedure</i> '. Modified scope and procedure.	3/10/2018	Superseded
2.2	G. Markakis	Retitled the procedure to ' <i>Student Complaints and Appeals Procedure</i> '. Modified the scope of the procedure.	10/10/2018	Current