

Grievances, Complaints and Appeals Policy

Scope

This policy was developed for Kaplan Business School Pty Ltd (KBS) and Kaplan Higher Education Pty Ltd trading as Murdoch College (College) (hereby referred to collectively as 'Kaplan').

This policy applies to:

- all current students who have accepted Kaplan's Conditions of Enrolment.
- all applicants who have formally applied to be enrolled at Kaplan.
- parents or legal guardians of current or prospective students under the age of 18 years.
- any third-party providing services on Kaplan's behalf to current or prospective students at Kaplan (such as education agents, student accommodation providers, workplace supervisors, etc.).
- all staff members involved in the management of grievances, complaints and appeals processes.

This policy is to be used in the management of all grievances, complaints and appeals relating to all aspects of a student's educational experience and learning environment at Kaplan.

Purpose

The purpose of this Policy is to provide:

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

This Policy follows the guidelines of the Higher Education Standards Framework (Threshold Standards) 2021 Section 2.4 (Standards 2.4.1 – 2.4.5) and the National Code of Practice for Providers of Education and Training to Overseas Students 2018, specifically Standard 10, as well as other relevant legislation.

Kaplan is committed to resolving any complaint or grievance promptly, equitably and in a professional manner that respects the privacy of all parties involved.

Definitions

Grievance is a minor issue that is suitable to be addressed informally and usually resolved easily by having a discussion with a staff member.

Complaint is an expression of dissatisfaction by a student* or person, that involves a formal procession for resolution requiring review, investigation, or action. Examples of activities which may give rise to academic and/or non-academic complaints covered by this policy are listed below, but not limited to:

- academic programs (content or structure).
- subject enrolment, delivery, assessment, learning environment; outcomes, access to resources.
- student services and their processes (including contractor or employee conduct).
- individuals who believe that they have been treated unfairly on the grounds of access and equity.
- health and safety concerns related to subject delivery and/or assessment.
- administrative action/inaction, procedure, or decision.

Note: If a student receives an Intention to Report decision (e.g. Unsatisfactory Course Progress, Unsatisfactory Attendance or Non-Payment of Fees), then the student does not need to submit a complaint and can appeal the

decision directly by providing evidence or information.

Appeal is when a student requests Kaplan to review the process by which a decision was made. Appeals do not review the decision but focus on the decision-making process. For example, a student can appeal a decision because the student believes a complaint was not conducted fairly, but the student is not able to appeal a decision simply because the student disagrees with the decision. As a result, any appeal must also provide evidence or information not previously provided in support of the complaint.

Academic complaints include, but are not limited to:

- Academic staff members
- Assessment
- Course Content
- Participation
- Qualification outcome
- Quality of Course Delivery
- Student Academic Progress

Appellant is the person seeking an appeal of the decision following a formal complaint.

Complainant is the person making a formal complaint.

Non-academic complaints include, but are not limited to:

- Access to resources.
- Administration staff members
- Enrolment
- Kaplan Professional Policies and Procedures
- Payment of fees/student charges
- Racial/sexual harassment and/or discrimination
- Student support services

Respondent is the education provider – Kaplan Business School or Murdoch College.

**Note: Students may include prospective students who have had some interactions with Kaplan (e.g., via an agent or applied directly to Kaplan for a course), current students (irrespective of mode of participation) and past students (most likely limited to a defined period after completion).*

Policy Principles

Complaints will be addressed based on their 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 the process by which a decision was made was not adequate.
- All internal grievances, complaints and appeals by students, parents or prospective students are dealt with at minimal or no cost.
- 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.

- A student may seek confidential, independent professional advice at any stage of a complaint.
- 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.
- The meetings are not to be recorded on any device by either the complainant or the respondent though both parties are permitted to take notes that are handwritten or typed.
- 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.
- For overseas students studying in Australia where the complaint relates to them not being permitted to extend their course duration due to not completing their course in the required time frame, not enrolling within the required time, having unsatisfactory attendance or not making satisfactory course progress, the student may be notified in writing that they will be reported to the Department of Home Affairs, and this may result in their student visa being cancelled. The student will be informed that they have 20 working days to access the appeals process.
- The outcome of each complaint and appeal will be analysed and recommendations for improvement of services will be recorded in the Continuous Improvement Register and implemented throughout Kaplan's operations.
- Complaints and appeals that are frivolous, unreasonable, or lacking substance will be dismissed.

Grievance and Complaint Process

Stage 1: Grievance received

In the first instance, issues relating to a grievance should be raised informally with the staff member concerned. If this is impractical or the grievance cannot be resolved, the student or person (as outlined in the scope of this Policy) may request to speak with another member of staff, including Student Experience/Success Officers. After discussion, if the student is not satisfied with the resolution of the grievance, a formal written complaint may be lodged. All possible options will be considered for every grievance to be resolved without leading to a formal complaint.

Stage 2: Lodging a Formal Written Complaint

All formal written complaints (academic and non-academic) must be submitted within 10 working days of the incident.

In exceptional circumstances, Kaplan may accept a formal complaint outside the 10 working days - e.g., where a student is unable to provide a written submission due to a special circumstance requiring reasonable adjustments.

When lodging a formal written complaint, complainants must complete the Complaint Form in Kaplan's Student Management System. To assist in the resolution of a complaint, students should include the following information when communicating their complaint.

- Identify the subject/course/program and corresponding trimester/study period, if applicable.
- 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.

The complaint will be assigned to the relevant manager. The complainant will receive written confirmation that their complaint has been received within five working days. Should the complainant not receive confirmation within the five working days, they may then contact Kaplan.

Stage 3: Investigating the Complaint

Upon receipt of a formal complaint, details will be recorded in Kaplan's Complaints and Appeals Register. All complaints will be investigated once Kaplan acknowledges receipt of the complaint. Investigation of complaints

may involve:

- reviewing worked examination papers or assignments.
- reviewing course materials or resources.
- consulting other course participants.
- reviewing course evaluations.
- reviewing processes.
- reviewing information provided if the complaint relates to bullying and/or harassment.
- reviewing potential unfair treatment of individuals on grounds of access and equity.
- speaking to relevant Kaplan staff members to obtain further information.

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: Resolving the Complaint

Once the investigation has been conducted and a determination made, the complainant will receive a written response from Kaplan detailing the actions taken in response to the complaint and reasons of the outcome. This will usually occur within 10 working days of acknowledgement of the complaint, or as soon as practicable (depending on the nature of the complaint). If for some reason the investigation or determination takes longer, the student will be advised in writing.

If Kaplan receives no communication from the student within 10 working days from the date the written response is sent by Kaplan to the student, 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 and Appeals Register.

Appeals Process

Stage 1: Submitting an Appeal

Right to Appeal

Where a student receives a determination in circumstances that they believe provides grounds for appeal, including Intention to Report decisions, the student has the right to appeal under this policy.

Academic appeals by students are referred to the Appeals Committee of the Academic Board (KBS) or Academic Manager or delegate (College) for determination according to the processes stated within this policy.

Non-academic appeals by students are referred to the General Manager, National Operations or delegate (KBS) or the College Director or delegate (College) for determination according to the processes stated within this policy.

Notice of Appeal

If a complainant decides to appeal a determination, they must lodge a written Notice of Appeal within 10 working days of the determination being made.

In exceptional circumstances, Kaplan may accept an appeal outside the 10 working days.

Please note, however, that any appellant on an Overseas Student Visa that is subject to an Intention to Report letter will be informed that they have 20 working days to access the appeals process.

The appeal must explain the grounds of the appeal and provide any new evidence or information not previously provided. It should also specify the outcome sought.

There is no cost for lodging an appeal and students will be treated fairly and respectfully, with a transparent process.

Failure to provide a completed Notice of Appeal with supporting new evidence, as required, will result in the appeal not being heard.

Grounds of Appeal

An appeal of a determination may be made on one or more of the following grounds:

- The penalty imposed was excessive considering the facts of the matter.
- New evidence of a relevant nature is available that might alter the original decision.
- The 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.

Students may not appeal against Academic Results based on:

- 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.
- An unsubstantiated claim of incorrect marking.

Stage 2: Investigating the Appeal

Formation of the Appeals Committee (KBS only)

For relevant academic matters, the Academic Board appoints the Appeals Committee. It will comprise at least three 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.

Membership of the Appeals Committee may also include a non-voting secretary who is responsible for keeping records of the hearing.

Academic Appeals: Duties of the Chair of the Appeals Committee (KBS only)

On receiving an appeal application from a student in relation to an academic matter, the Chair or delegate (KBS) will review all aspects of the application and make the decision whether:

- to allow the appeal to proceed to the Appeals Committee, or
- in the student's interests, to defer the appeal, or
- to dismiss the appeal by the student.

Where the Chair or delegate determines that a valid case is established by the student within the requirements of this Policy then the Chair or delegate will make the decision that the appeal will proceed to the Appeals Committee.

If the Chair or delegate finds that there are issues in relation to the appeal which, in the student's interests suggest that the student's appeal should be placed on hold pending the results of current subjects being studied then the Chair or delegate has discretion to make the decision to defer the appeal pending those results. Once those results are made available, the Chair or delegate must decide to allow or dismiss the appeal within 10 working days.

If the Chair or delegate finds that there are no grounds for appeal, or that the appeal is lacking in substance or is frivolous or vexatious, then the Chair or delegate will make the decision that the appeal will be dismissed without proceeding to a hearing by the full Appeals Committee. The appellant will receive written notification within five working days of the decision and will be informed of further external appeal opportunities available at this stage.

All decisions by the Chair or delegate will be communicated to all members of the Appeals Committee so that the Committee is aware of all such decisions.

Academic Appeals: Duties of the Academic Manager (College only)

On receiving an appeal application from a student in relation to an academic matter, the Academic Manager or delegate (College) will review all aspects of the application and make the decision whether:

- to grant the appeal, or
- in the student's interests, to defer the appeal, or
- to dismiss the appeal by the student.

Where the Academic Manager or delegate determines that a valid case is established by the student within the requirements of this Policy then the Academic Manager or delegate will make the decision to grant the appeal.

If the Academic Manager or delegate finds that there are issues in relation to the appeal which, in the student's interests suggest that the student's appeal should be placed on hold pending the results of current subjects being studied, then the Academic Manager or delegate has discretion to make the decision to defer the appeal pending those results. Once those results are made available, the Academic Manager or delegate must decide to allow or dismiss the appeal within 10 working days.

If the Academic Manager or delegate finds that there are no grounds for appeal, or that the appeal is lacking in substance or is frivolous or vexatious, then the Academic Manager or delegate will make the decision that the appeal will be dismissed. Where the appeal application is dismissed by the Academic Manager or delegate, the appellant will receive written notification within five working days of the decision and will be informed of further external appeal opportunities available at this stage.

Non-Academic Appeals: Duties of GM National Operations (KBS) or College Director (College)

On receiving an appeal application relating to a non-academic matter, the General Manager (GM) National Operations or delegate (KBS) or the College Director or delegate (College) will review the application and determine whether to grant or dismiss the application. The relevant KBS or College representative may also consult with the relevant stakeholders on the appeal application.

The decision made by the relevant KBS or College representative will be communicated to the appellant in accordance with the standards stated in this Policy.

Where the appeal application is dismissed, the appellant will receive written notification within five working days of the decision and will be informed of further external appeal opportunities available at this stage.

Stage 3: Appeal Hearing (only for Academic Matters) (KBS only)

If the decision by the Chair or delegate is that the appeal should proceed to a meeting of the Appeals Committee, that meeting will, wherever possible, be convened not more than 10 working days after the Notice of Appeal is received by KBS.

The Appeals Committee will determine the general conduct of the appeal hearing and the procedures to be adopted, as it thinks fair, 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 KBS for further inquiry and determination.

The Appeals Committee will consider all documentation submitted in connection with the appeal, including any written submissions from the appellant and any representative of KBS. 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.

At the appeal hearing, the appellant concerned may be accompanied or assisted by a third party, if so desired,

but must advise KBS prior to the hearing if they intend to do so.

Both parties, the appellant and KBS, cannot 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: Resolving the Appeal

Once a decision has been made by the relevant KBS or College representative, it will be communicated in writing to the appellant in accordance with the standards stated in this Policy, usually within 10 working days of the decision being made or as soon as practicable (depending on the nature of the appeal). If for some reason the investigation or determination takes longer, the appellant will be advised in writing. The relevant KBS or College representative is also responsible for carrying out any recommendations.

The appellant may 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, the relevant KBS or College representative, as appropriate, may determine what action is to occur. Where the appeal is dismissed, 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 private and confidential, as outlined in Kaplan's *Privacy Policy*. A student may request access to records of the hearing and reasons for the determination. The decision from the relevant KBS or College representative is final and binding on all parties. The appellant may pursue relevant action available to them under Commonwealth or State legislation.

External Independent Review

If the appellant wishes to appeal the decision of Kaplan, the appellant will have 10 working days from the date of their appeal outcome letter to request an external review and provide evidence to Kaplan of the external review request.

An external appeal should only be made after all internal appeal processes under this Policy have been addressed. However, at any part in the complaints or appeals process the complainant/appellant may refer the matter to an external agency.

Students may request mediation or an external review through the [Resolution Institute](#). Mediation and external reviews will be conducted in accordance with the [Resolution Institute Mediation Rules](#).

No further appeals will be accepted after mediation or external review.

Please note that applying for an external review with the Resolution Institute will incur a fee that will have to be paid by the person complaining/appealing a decision. For the exact fees, complainants/appellants should contact the Resolution Institute.

Furthermore, students may want to consider contacting the [Tertiary Education Quality and Standards Agency \(TEQSA\)](#) for certain types of complaints.

Students on an Overseas Student Visa may also contact the [Overseas Student Ombudsman](#). 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 will they 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 if 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 as soon as practicable from the time of the receipt of the decision made by the Resolution Institute, TEQSA, the Overseas Student Ombudsman or any other external independent review body engaged in the appeals process.

Kaplan will advise the complainant/appellant of all preventive or corrective actions taken as required in the decision made by the external reviewer.

Contact details for External Independent Review Bodies:

Resolution Institute	Telephone: 02 9251 3366 / 1800 651 650 Email: infoaus@resolution.institute Website: https://www.resolution.institute/
Tertiary Education Quality and Standards Agency (TEQSA)	Telephone: 1300 739 585 Email: enquiries@teqsa.gov.au Website: https://www.teqsa.gov.au/complaints
Overseas Student Ombudsman	Telephone: 1300 362 072 Website: https://www.ombudsman.gov.au/complaints/international-student-complaints

Note:

- If students prefer to make a complaint in a language other than English, they can call the Translating and Interpreting Service (TIS) on 131 450 or visit <https://www.tisnational.gov.au/> for more information.
- Kaplan will maintain the student’s enrolment while the internal or external appeal process is ongoing. Students are strongly advised that they do come to class during this process and thereby maintain their attendance and course progress requirements.
- For students in South Australia, the South Australian Skills Commission is able to provide:
 - advocacy services for both domestic and international students.
 - assistance in the resolution of disputes through independent mediation.

More information on the services offered by the South Australian Skills Commission can be found at the [South Australian Skills Commission](#).

- The availability of this complaints and appeals process does not remove the right of the student to take action under Australian Consumer Protection Laws if Australian Consumer Law applies.

Recordkeeping for Complaints and Appeals

Where a complainant/ appellant 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 as outlined in the *Student Record Management Policy* to allow both parties access to these records upon written request.

All records are considered private and confidential and will be treated in accordance with Kaplan’s *Privacy Policy*.

Relevant Legislation

As a registered education provider, Kaplan operates under strict laws and regulations. Policies and procedures are in place to ensure compliance with such laws. Below lists the most relevant legislation which apply to this Policy:

- Education Services for Overseas Students Act 2000 (ESOS Act 2000)
- Education Services for Overseas Students Regulations 2019
- Higher Education Standards Framework (Threshold Standards) 2021
- National Code of Practice for Providers of Education and Training to Overseas Students 2018
- Privacy Act 1988
- Tertiary Education Quality and Standards Agency Act 2011 (TEQSA Act)

Related Policies

This Policy should be read in conjunction with the following:

- Academic Integrity and Conduct Policy
- Academic Success Policy
- Admissions Policy
- Assessment Policy
- Diversity, Inclusion and Equity Policy
- Electronic Media Policy
- Prevention of Harassment and Bullying Policy
- Privacy Policy
- Refund Policy
- Sexual Misconduct Prevention and Response 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)	(KBS) Academic Dean, Registrar and General Manager National Operations (Murdoch) Academic Manager and College Director			
Review Date	August 2026			
Approved by				
KBS Academic Board.				
Version	Authored by	Brief Description of the changes	Date Approved:	Effective Date:
4.0	Quality, Regulations and Standards Team	Conversion to new template Updated to HESF 2021 Procedural update to Appeal Committee communication requirements SA Skills Commission update	6.10.2021	13.10.2021
5.0	Quality, Regulations and Standards Team	Sydney campus address updated.	21.06.2022	28.06.2022
6.0	Quality, Regulations and Standards Team	Alignment of KBS and Murdoch College policy Amendments to Definitions section Clarification around duties and processes External Review notification timeframe amended	20.09.2023	27.09.2023