

## STUDENT GRIEVANCES AND APPEALS POLICY

### 1. Purpose and Objectives

- 1.1 This policy sets out the rights and responsibilities of Le Cordon Bleu Australia (LCBA) staff and students with regard to student grievances and appeals.
- 1.2 It is designed to provide students with recourse to policy statements and to information that is accessible and transparent.
- 1.3 It clearly articulates the process designed to facilitate the lodging of a grievance or complaint.
- 1.4 It upholds the principles of natural justice: that no student will be discriminated against or treated unfairly with regard to the grievance or complaint resolution process

### 2. Scope

- 2.1 This policy applies to current or past-enrolled students of undergraduate and postgraduate higher education courses, and to staff of LCBA.
- 2.2 Issues that give rise to student grievances and/or complaints include (but are not necessarily limited to):
  - application and enrolment procedures, including conduct and performance of:
    - LCBA staff or its delivery partner academic and administrative staff
    - persons acting on behalf of LCBA
    - other students enrolled at LCBA
  - alleged discrimination, harassment or vilification
  - exclusion from events and facilities
  - alleged failure to adhere to relevant current policies and procedures
  - financial matters and/or payments
  - alleged misconduct
  - alleged mismanagement
  - services and facilities provided by or managed by LCBA
  - student progress with regard to non-attendance
  - suspension or termination of enrolment for breaches of the *Student Behaviour and Termination Policy*
- 2.3 Issues that give rise to academic student complaints and/or grievances include (but are not necessarily limited to):
  - academic misconduct / academic integrity.
  - grade result appeals.
  - suspension or termination of enrolment based on academic grounds.

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### 3. Related Policies

- Refund of Fees Policy
- General Appeals and Complaints Policy
- Student Behaviour and Termination Policy
- Work-Integrated Learning Policy

### 4. Definitions

‘Compassionate or compelling circumstances’ are usually those beyond the direct control of the student and that are considered to have a negative impact on the student’s ability to successfully progress through their program of study. These circumstances could include:

- serious illness or injury, where a medical certificate states that the student was unable to attend classes.
- bereavement of close family members such as parents or grandparents.
- major political upheaval or natural disaster in the home country requiring emergency travel, and this has impacted on the student’s studies.

‘Complainant’ refers to the person (student) making a complaint or raising a grievance.

‘Complaint’ is defined as an instance where a student makes either a written or verbal statement of complaint and may relate to a single incident affecting a student or a series of complaints, which for example, involves a personal issue arising from an ongoing relationship between a student and a member of the teaching faculty.

‘Grievance’ is defined as a person’s expression of dissatisfaction with:

- an aspect or aspects of LCBA’s operations
- the consistency of its programs as marketed, as compared with the product as delivered
- the standards of education delivery of its staff or that of its delivery partners
- the personal or professional conduct of members of staff with whom the student engages
- the provision of adequate facilities and student support mechanisms
- aspects of student fees and charges.

‘Natural justice’ refers to the principle of treating all students fairly and implies LCBA’s provision of unbiased support mechanisms, including a fair hearing, for students seeking to express a grievance or make a formal complaint. ‘Student’ can refer to a current, prospective or former student.

### 5. Policy

- 5.1 LCBA students have a legitimate right to make official grievances and complaints.
- 5.2 All students regardless of location or mode of study are entitled to access and to make use of the processes and procedures detailed in this policy.

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- 5.3 LCBA regards the circumstances and facts related to grievances and complaints as confidential.
- 5.4 No financial charges are made to students by LCBA or its delivery partners for the administration of either grievances or complaints.
- 5.5 Mediation or conciliation services may be facilitated by LCBA to a complainant and/or other parties involved in complaints or grievances cases.
- 5.6 When raising a complaint or a grievance, complainants and/or respondents have the right to:
- be accompanied, assisted and/or represented by a third party (such as a family member, friend, guardian, counsellor or professional support person) at any or each stage of the grievance or complaint process;
  - receive a written response to a formal complaint by an appropriate LCBA representative (e.g., Program Manager, Academic Manager, Dean) and be given adequate time to respond to any such communication (written, oral, or electronic) in connection with a grievance or complaint; and to
  - have a grievance treated confidentially with details only disclosed with the complainant's permission, unless the LCBA or its delivery partner has reasonable grounds for believing the use of the information submitted is a potential threat to the life or health of any person and/or that the use or content of the information be deemed lawful under Australian law.
- 5.7 Grievances and complaints will be resolved expeditiously by LCBA and/or the relevant delivery partner, with due regard to legal requirements and to Standard 8 of the National Code, which requires the process to commence within ten (10) working days for international and domestic students.
- 5.8 A full record in writing of all stages of the grievance or complaint process, including reasons and explanation (by all parties) for decisions and actions taken must have the oversight of the Registrar or, where there is any evidence produced of unfair process on the part of the Registrar or Student Services, the Academic Dean will be informed.
- 5.9 Where the Academic Dean confirms unfair process on the part of LCBA or its staff, a response will be provided to the student on completion of the action taken.
- 5.10 The response is made within ten (10) working days after the grievance is lodged with the Registrar. Where an outcome requires additional time, all parties are notified prior to the expiry of the ten day period.
- 5.11 A complainant's enrolment is maintained while the complaint and appeal processes are ongoing, notwithstanding exceptional cases such as course abandonment by the student or where there are serious breaches of policy protocols through unacceptable behaviour (National Code Standard 8.4).
- 5.12 Records of grievances and complaints and their outcomes are confidential and filed in a LCBA-managed Register of Grievances and complaints.
- 5.13 Reports on student grievances and complaints are tabled at meetings of the Academic Board.

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5.14 After internal appeals are exhausted, a student may, at their own cost pursue either of the two external appeal processes detailed below (Section 8 below).

### **6. Procedure - Informal Stage**

6.1 When a student/complainant wishes to raise a grievance or make a complaint, the first stage is informal: the matter should be discussed with the person/s concerned.

6.2 When 5.1 proves impracticable, the complainant must communicate the issue/s to the Student Services Manager, who will further facilitate communication between the relevant parties involved.

6.3 Once the issue has been communicated to all parties, students have recourse to three (3) options:

- take no further action;
- make comments or suggestions that may prolong the communication between parties;
- make a formal grievance or complaint.

### **7. Procedure - Formal Stage 1**

7.1 A formal grievance or complaint may not be accepted if the student making the complaint or notifying LCBA regarding a grievance has not first attempted to resolve the issue through reasonable means and actions and described in (5.1-5.2 above).

7.2 Formal grievances and complaints must be made in writing to Student Services and are lodged at the relevant campus Student Services office. Once a formal grievance or complaint is lodged, the Registrar actions it and endeavours to resolve the grievance or complaint as quickly as possible.

7.3 The Registrar has the discretion to:

- refer the matter to Academic Dean;
- investigate;
- seek further information or advice; or,
- reject the grievance or complaint based on the information provided by the complainant.

7.4 The Registrar must provide a written response to the student in regard to recommended actions and the outcome determined within 10 working days of receipt of the grievance or complaint.

7.5 Typical actions, responses and relevant procedures include, but are not limited to:

- Referral to a relevant LCBA officer (or staff member) or Department Head (for example, Finance Department, or other), who holds responsibility to address the grievance or complaint. For example, complaints made about fees will be dealt with under the Refund of Fees Policy and complaints regarding the Work Integrated Learning (WIL) component dealt with under the Work Integrated Learning Policy.

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- Complaints made about discrimination, harassment, bullying and sexual harassment are dealt with under relevant legislation and government guidelines and / or under the workplace policy for students undertaking the Work Integrated (WIL) Learning component, this does not remove our duty of care to students and their wellbeing while completing WIL.
- 7.6 If the complainant cannot produce any evidence of wrongdoing or misconduct, then no further action will be taken.
- 7.7 If minor issues are raised (as complaints), but where there are no serious or systemic issues implicated, then the concerns may be noted but further action may not be taken.
- 7.8 Preliminary enquiries may be undertaken if facts as presented by the complainant are unclear.
- 7.9 Internal reviews may be conducted if there are questions raised regarding systemic functions within LCBA or its partner organisations.
- 7.10 If there are complex issues with serious consequences, formal investigations (with recourse to external authorities, e.g., the police) may be recommended.
- 7.11 If reporting is required to an external agency such as the police, Ombudsman, corruption prevention agencies, border protection or regulatory bodies, the Chief Operations officer (COO) undertakes to do so.
- 7.12 If the grievance or complaint is in regard to the Registrar, on the grounds of a failure to provide procedural fairness, then the COO will assume the role, or appoint another for the purposes of applying this policy's protocols regarding appeals.

### **8. Internal Appeal – Stage 2**

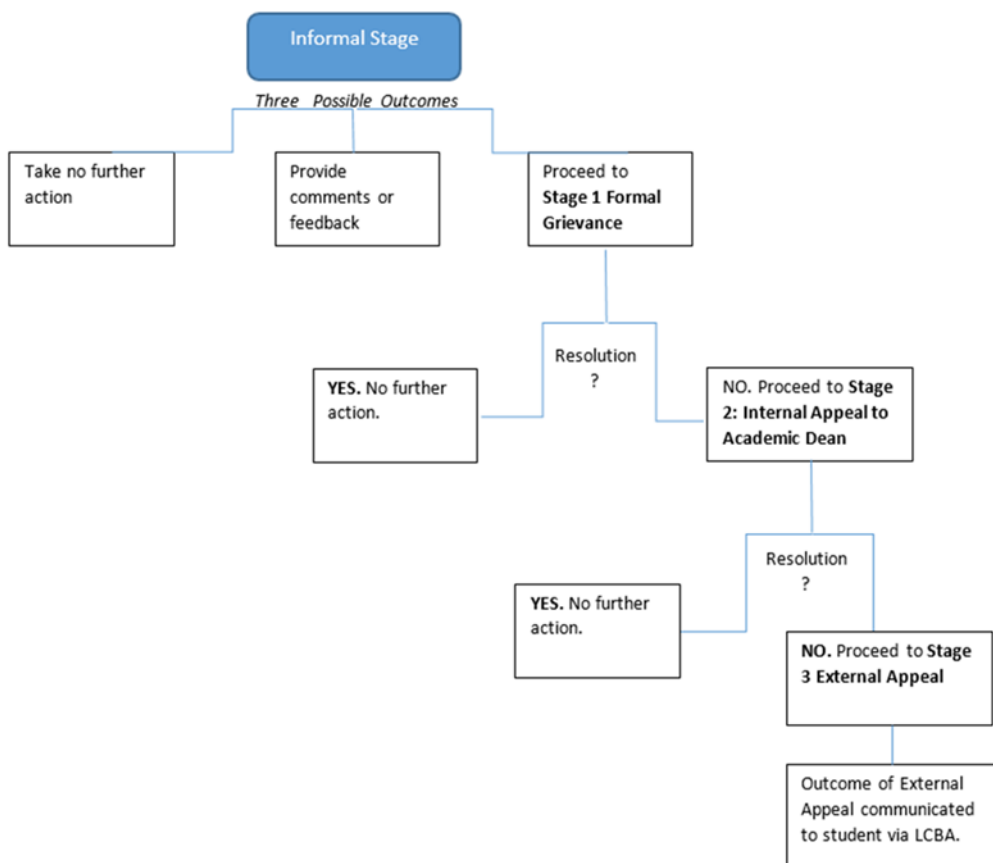
- 8.1 An internal appeal is acceptable on the grounds detailed in 6.5.9 and is made to the Academic Dean within ten (10) working days of the date of the Registrar's response to the complainant. Additional grounds for a non-academic appeal may include:
- unexpected or unanticipated circumstances impacting on the complainant's capacity to act in a manner consistent with their recognised character and behaviour.
  - the facts on which the initial decision was based were fundamentally flawed, inaccurate or incomplete; and/or
  - the penalty imposed was disproportionately severe compared with the incident or behaviour in question; and/or
  - in sufficient exercise of natural justice prevented the student from presenting their case without bias on the part of LCBA.
- 8.2 The complainant must address the grounds of appeal relating to their circumstances and provide this in writing to the Registrar.
- 8.3 The Registrar must respond to the student with a decision regarding the legitimacy of the appeal within 10 working days from receipt of the appeal submission.
- 8.4 The Registrar's response is final, beyond which the only course of action open to a complainant is external appeal.

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### 9. External Appeal – Stage 3

- 9.1 Students who remain dissatisfied with the outcome of the internal two stages of appeal, have access to external appeal.
- 9.2 There are two avenues of external appeal available to complainants:
- 9.3 For domestic students, both academic and non-academic external appeals may be sent to the Council of Private Higher Education (COPHE). The Registrar will provide details to the student on how to contact COPHE and the appeals process.
- 9.4 For international students, COPHE will also accept academic and non-academic appeals. International students can also appeal to the Overseas Students Ombudsman (OSO) (a service of the Commonwealth’s Ombudsman). The OSO is only able to review processes to ensure that LCBA has followed its policies in an appropriate manner. The Registrar will provide details to the student on how to contact COPHE and the appeals process

### 10. Process Flowchart



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### 11. Change and Version Control

<b>Version</b>	<b>Authored by</b>	<b>Description</b>
1.0	Academic Director	Review and combination of academic and non-academic policies
2.0	Academic Director	Change name to Student Grievances and Appeals Policy
2.1	NAQM	Change to 'scope' section to make clear that policy applies to 'students of undergraduate and postgraduate higher education courses'