

STUDENT GRIEVANCE, COMPLAINTS, AND APPEALS PROCEDURES

1. PURPOSE

This document sets out the procedure for responding to student grievances, complaints and appeals, in accordance with the Higher Education Support Act 2003 (**HESA**), Higher Education Provider Guidelines 2012 (**HEPG**), Higher Education Standards Framework 2021 (**HES Framework**), the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (**National Code**) and all other relevant laws and regulations.

2. SCOPE

This procedure applies to all prospective and current domestic and international higher education students of CG Spectrum Institute (**CGSI**) who have a grievance, wish to make a complaint, request a review or appeal a decision which falls within the control of CGSI, its staff, education agents of service providers, regardless of location or mode of study.

This procedure also applies to former domestic and international higher education students of CGSI within the time period set out in the Student Grievance, Complaints, and Appeals Policy.

This procedure is aligned with the Student Grievance, Complaints and Appeals Policy and the Wellbeing and Safety for in the Learning Environment: Policy and Procedure

3. DEFINITIONS

Term	Definition
Academic Grievance	is a concern about an academic matter or process which a student brings to the attention of CGSI staff in an informal way. Examples of academic matters include, but are not limited to, concerns about: <ul style="list-style-type: none"> ● academic progress decisions; ● applications for credit transfer or recognition of prior learning (RPL); ● curriculum, awards, and assessments; ● academic integrity; ● content, structure or quality of the program; or ● authorship or intellectual property.
Appeal	means an appeal from a decision of CGSI made in response to a complaint. A student has ten (10) working days from the date of the written notification from CGSI of the decision in which to lodge an appeal to have the decision reviewed. This includes decisions relating to complaint outcomes, as well as admission, credit transfer and RPL, unsatisfactory academic progress, unsatisfactory attendance, misbehaviour, and/or suspension of enrolment and exclusion.
Complaint	means a grievance that has not been resolved informally (for example, by the affected parties discussing the matter) and the student's concern has been escalated requiring an official response.
Grievance	is a concern about a situation, a process, a person or group of people, a facility or a service provided by CGSI, which the student brings to the attention of CGSI's staff in an informal way.

Grievance Advisor	is an appropriately qualified member of staff whose role is to provide advice to a student who is considering making a formal complaint, either academic or non-academic, about the process for resolving a grievance or complaint.
Non-Academic Grievance	is a concern about a non-scholastic matter, situation, or process; or a concern about the conduct of a person or group of people, which the student brings to the attention of CGSI staff in an informal way. Examples of non-academic matters include, but are not limited to, concerns about: <ul style="list-style-type: none"> ● the provision of student support services; ● unsatisfactory attendance; ● the Code of Conduct; ● CGSI's facilities and amenities, including exclusion from facilities or events; ● application procedures; ● suspension or cancellation of enrolment for non-academic reasons; ● use of personal information; ● fees and other financial matters; ● perceived discrimination or unfairness; or ● bullying, sexual harassment, and other forms of harassment.
Student	for the purpose of this policy refers to a prospective, current, and former student.
Support Person	is a person to assist, accompany and support a complainant, respondent, or interviewee in their participation in matters relating to this complaint-handling procedure. A representative may be a friend or family member, a staff member, or delegate.

4. ROLES AND RESPONSIBILITIES

The **Academic Director** is responsible for:

- ensuring that all CGSI academic staff are familiar with this procedure;
- managing case reviews, including establishing case review panels and appeal review panels;
- receiving grievances and formal complaints and referring them to the Grievance Adviser;
- formally acknowledging receipt of formal complaints, usually by email; and
- keeping the parties informed of the progress and outcome of decisions regarding their complaints and appeals.

The **Grievance Adviser** is responsible for:

- providing advice to students about the process for resolving a grievance or complaint;
- initial receipt of complaints and appeals; and
- assisting students regarding the contact details of organisations for external appeals.

5. PROCEDURE

5.1. There are up to five stages in the processes for resolution of a grievance, complaint or appeal.

5.2. Each stage represents an increase in the level of formality with which the grievance, complaint or appeal is managed.

5.3. The stages of the process are:

- Stage 1.** Whenever possible, informal discussion and negotiation between student and respondent / staff member involved takes place.
- Stage 2.** Formal complaint.
- Stage 3.** Internal appeal.
- Stage 4.** External Professional Mediation
- Stage 5.** External Appeal can be lodged to an external agency, such as example the Victorian Ombudsman (<https://www.ombudsman.vic.gov.au>), the Victorian Human Rights and Equal Opportunity Commission (<https://www.humanrights.vic.gov.au>), the Fair Trading NSW (<http://www.fairtrading.nsw.gov.au/>), the State Ombudsman (<http://www.ombo.nsw.gov.au>), or other State and Territory agencies, or the Administrative Appeals Tribunal (<http://www.aat.gov.au>) (in certain circumstances). Comprehensive information for domestic and international students about lodging a higher education student complaint is available on the Australian Government's Study Assist web site <https://www.studyassist.gov.au/support-while-you-study/higher-education-student-complaints>

5.4. **Stage 1 – Informal Negotiation**

If the student feels comfortable in doing so, they may raise their concerns directly with the person involved. This is not a compulsory step.

5.5. **Stage 2 - Formal Complaint**

5.5.1 If the student has attempted to resolve matters informally, but is not satisfied with the outcome, or if the nature of the concern is not appropriate for an informal approach (such as an allegation of harassment), the student may make a formal complaint.

5.5.2 To commence the complaints process, the student is to complete the Formal Complaints and Appeals Lodgement Form and send it to the Academic Director (email address: admin@cgspectrum.institute.com). The following information is required:

- Attempts already undertaken to resolve the grievance (if any);
- Nature of formal complaint or appeal;
- Statement of complaint or appeal with sufficient information;
- Supporting information and documentation; and
- What the student thinks needs to be done to address his/her concerns.

- 5.5.3. The Academic Director will document receipt of the complaint within 2 working days and refer it to the Grievance Adviser.
- 5.5.4. The Grievance Adviser will commence the process of considering the complaint within 10 working days of receiving the Formal Complaints and Appeals Lodgement Form. Where urgent action is required, for example cases involving unsafe behaviour, processes may be expedited.

5.6. Processing of Complaints

- 5.6.1. In considering the complaint, the Grievance Adviser will advise all parties from the outset that confidentiality must be strictly observed by all participants, at all stages, of the Complaints and Appeals process.
- 5.6.2. The Grievance Adviser will arrange a meeting with the student to provide advice on the complaints process to enable the student to formally present his/her case. The student may be accompanied or assisted by a support person at any relevant meeting.
- 5.6.3. The Grievance Adviser will inform the respondent about the nature of the complaint against him/her and he/she will be provided with the opportunity to respond within 5 working days.
- 5.6.4. The complaint will be investigated by the Academic Director for resolution.
- 5.6.5. If the Academic Director decides to uphold the complaint, the student and the respondent will be notified in writing within 14 days of the decision, the grounds for the decision and the action required to resolve the complaint.
- 5.6.6. If the complaint is not upheld, the student will be given a written explanation, detailing the reasons for that decision.
- 5.6.7. The Grievance Adviser will retain a written record of the complaint and its outcome.

5.7. Stage 3: Internal Appeal Process

- 5.7.1. Students dissatisfied with decisions made by CGSI may appeal the decision within ten (10) working days of the written notification.
- 5.7.2. Appeals must be submitted on the Formal Complaints and Appeals Lodgement Form.
- 5.7.3. The request will be considered by the CEO who may decide:
- to establish an internal appeal panel; or
 - that there are insufficient grounds to take further action, thus concluding the consideration of the matter under these internal procedures.

- 5.7.4 The student will be advised in writing within 10 working days of the decision and the reasons for it. If an internal review panel is established, the student will be informed of the panel membership and the procedure to be followed, at least 5 working days in advance of the panel meeting.
- 5.7.5 The panel will consist of the CEO or nominee (in the Chair), a senior member of staff (who is not one of the student's teachers) and an external member of the Academic Board. A secretary will be appointed to take a written record of the meeting.
- 5.7.6 The review will be conducted in private, and all relevant facts will be taken into consideration. The student may attend and be accompanied by a support person.
- 5.7.7. If the respondent is a CGSI staff member or another student, he/she will also be invited to present his/her case to the panel and may be accompanied by a support person.
- 5.7.8. The student and respondent will be notified of the appeal panel's decision, in writing within 2 working days, including the reasons for the decision and any further action to be taken by CGSI to resolve the matter.

5.8 Stage 4: Professional Mediation

- 5.8.1. If a student is dissatisfied with a decision made by CGSI, he/she has ten (10) working days from the date on the written notification in which to lodge a request for external professional mediation.
- 5.8.2. The Academic Director will arrange for an external mediation session to be conducted by an accredited mediator. The cost to CGSI of mediation is capped at \$100 per session and this is clearly communicated to the student.
- 5.8.3. For the avoidance of doubt, this stage 4 is not compulsory, and the student may proceed to stage 5.

5.9 Stage 5: External Appeal

- 5.9.1. In the event of a student remaining dissatisfied with the internal complaints and appeals outcomes; the conduct of CGSI's internal procedures for complaints and appeals; or CGSI's compliance with the HESA, HES Framework, the HEPG, TEQSA Act or the National Code, the student has ten (10) days to lodge an external appeals process from the date of notification of the outcome of the internal appeals process.
- Comprehensive information for domestic and international students about lodging a higher education student complaint is available on the Australian Government's Study Assist web site (<https://www.studyassist.gov.au/support-while-you-study/higher-education-student-complaints>).
 - An external appeal can be lodged with an external agency, such as those listed in 5.3.

- International students can access an external appeals process through the Commonwealth Ombudsman for Overseas Students. Web: <https://www.ombudsman.gov.au/> Ph: 1300 362 072
- 5.9.2. Students who wish to access an external appeals process should contact the Grievance Adviser who can provide additional advice about how to contact external organisations.
- 5.9.3. If the external appeal process supports the student, CGSI will immediately implement any decision and/or action required.
- 5.9.4. The CEO will provide written advice of the decision with supporting reasons, regardless of the outcome.

5:10. Assault

5.10.1 If assault, harassment or bullying is experienced, the first point of contact at CGSI for students is the Student Support Manager or the Grievance Adviser. For further information refer to the [Wellbeing and Safety for All in the Learning Environment Policy and Procedure](#).

5.10.2 Sexual assault is a crime; police are trained to provide assistance and advice to those who have been sexually assaulted. For information on reporting to the police: (https://www.victimsservices.justice.nsw.gov.au/sexualassault/Pages/sexual_assault_reporting.asp)

For emergency contacts for the Police or Ambulance: Call 000

5.11. General

- 5.11.1. Information on the grievance, complaints and appeals process will be made available to students in the Student Handbook, CGSI website and in the relevant policies in the policy framework. Included will be details of the five-stage process, mediation services and associated costs.
- 5.11.2. Where there is a conflict of interest between the student or respondent and CGSI staff involved in the dispute resolution process, the conflict will be referred to higher authority within CGSI for resolution.

6. MONITORING

Without breaching confidentiality, all formal complaints and their associated responses and outcomes will be monitored by the CEO.

Records will be de-identified for future reference to ensure consistency of actions and for further review by the Academic Board and the Board of Directors.

7. COMPLAINTS AND APPEALS RECORDS

A copy of all related documentation, including a statement of findings with decisions made at each stage of the complaint and appeal(s) process, and reasons for decisions, will be retained on the student's record.

Student records are kept for a minimum of five years after graduation in the event of a complaint requiring further investigation.

8. FORMS

Formal Complaints and Appeals Lodgement Form

9. RELATED

Student Grievance Complaints and Appeals Policy

Students at Risk Policy

Student at Risk Procedure

Privacy Policy

Student Records Management Policy

Wellbeing and Safety for All in the Learning Environment Policy and Procedure

APPENDIX 1: UNSAFE BEHAVIOUR COMMON DEFINITIONS

Bullying

Bullying is repeated and unreasonable behaviour directed towards a person or group of people that creates a risk to health and safety:

- **Repeated behaviour** is behaviour which occurs more than once and may involve a range of behaviours over time.
- **Unreasonable behaviour** is behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

The following behaviours do not constitute bullying:

- A single incident of unreasonable behaviour. (However, single, or one-off incidents of unreasonable conduct can also cause a risk to health and safety, may breach other CGSI policies, and could constitute misconduct.)
- Low level conflict defined as interpersonal conflict or disagreement which is not sufficient to constitute bullying. People can and will disagree with each other, however, such situations must be dealt with in a respectful manner.
- Reasonable direction and expectations of staff, including as part of performance management procedures.

Bystander

A bystander includes a person who observes unsafe behaviour, which can include someone bullying, harassing, discriminating against, sexually harassing, or sexually assaulting another person.

Complaint

A complaint is a complainant's expression of dissatisfaction that their rights, existing interests and/or reasonable expectations under this policy have been adversely and unjustifiably affected because of an action, decision or omission within the control or responsibility of CGSI.

A complaint involves providing detailed information seeking disciplinary action or other resolution against the respondent. A complaint is different to a report (which is defined below).

Complainant

A person(s) who makes a complaint about a matter that they wish CGSI to consider and for which outcome(s) or resolution(s) are explicitly or implicitly expected.

Consent

Consent means the free and voluntary agreement, by a person with the cognitive capacity to do so, to participate in an activity which may include an intimate or sexual relationship. Consent is not freely and voluntarily given if the person is:

- Coerced;
- Unconscious or asleep;
- Under the influence of drugs or alcohol;
- Under threat or intimidation;
- In fear of bodily harm;
- Subjected to the exercise of authority;
- Under false or fraudulent representations about the nature or purpose of the act, or
- Under a mistaken belief that the offender was someone else (for example, their sexual partner).

Consent can be given and subsequently withdrawn at any point.

Discrimination

Discrimination is against the law. Discrimination is treating someone unfairly because of a characteristic they have, or they are assumed to have, that is protected by New South Wales and Commonwealth law.

These characteristics include:

- Disability (includes diseases and illness);
- Sex (includes pregnancy and breastfeeding);
- Race;
- Age;
- Marital or domestic status;
- Sexual orientation
- Gender identification status; and
- Carer's responsibilities.

The following conduct does not constitute unlawful discrimination:

- A person is not offered a job because, notwithstanding that reasonable adjustments have been made, they cannot meet the inherent requirements of the job.
- A student with a disability does not pass the requirements of a course, notwithstanding that reasonable adjustments have been made.
- The Higher Education Provider (**Provider**) has gained a lawful exemption, or the law otherwise permits the Provider, to target a job at a particular group of people to help redress disadvantages that group may have experienced in the past.
- The Provider lawfully implements specific equal employment opportunity, or 'affirmative action' strategies, plans or programs designed to ensure genuine equal opportunities in the workplace, particularly in relation to groups that have been disadvantaged in the past.

Harassment

Harassment occurs when a person, or a group of people, is intimidated, insulted, or humiliated because of one or more characteristics, or from working in a hostile or intimidating environment that makes a person feel offended, humiliated, or intimidated, and where that reaction is reasonable in the circumstances. Harassment can arise as the result of a single incident as well as repeated incidents (for example, hazing). See further definition of *Sexual Harassment* below.

Hazing

Hazing is any action or situation, with or without the consent of the participants, which recklessly, intentionally, or unintentionally endangers the mental, physical, or academic health or safety of staff or students and can include the practice of rituals, challenges, and other activities as a way of initiating a person into a group including a new residential college, team, or club.

Report

A report is information provided to CGSI about an incident or suspected wrongdoing that the person making the report believes to be the case. A report can be anonymous, and the person reporting is able to, but does not have to, identify the other person/people involved.

CGSI can provide support to a person making the report (if they have identified themselves) including accommodations and precautionary measures, and advice about making a complaint. Reports are processed and recorded on the Incident Register.

Representative (or Support Person)

A representative (also referred to as a support person) is a person to assist, accompany and support a complainant, respondent, or interviewee in their participation in matters relating to this policy and supporting procedures. A representative may be a friend or family member, a staff member, or delegate.

Respondent

A person(s) against whom a complaint is made.

Sexual Assault

Sexual assault is any unwanted or forced sexual act or behaviour without consent.

Sexual Assault occurs when a person:

- Touches or makes contact with another person (and the touching or making contact is sexual in nature) without their consent – groping and any physical contact such as patting, pinching, or touching in a sexual way is a form of sexual assault.
- Forces another person against their will to commit an act of gross indecency – a sexual act that does not involve penetration, for example a person forces another person to touch their genitals.
- Forces another person to see an act of gross indecency, for example the person masturbates in front of the other person.

Rape is the most serious form of sexual assault and occurs where a person or persons force another person or persons to have sexual intercourse without her or his consent. Rape includes forcing someone to perform oral sex, digital penetration, and inserting any object into the vulva, vagina, or anus of another person without their consent.

Sexual Harassment

Sexual harassment is an unwelcome sexual advance, unwelcome request for sexual favours or sexual gestures, jokes or comments that are intended to offend, humiliate, or intimidate another person, or where it is reasonable to expect the person might feel that way.

Sexual harassment may include:

- Displays of sexually graphic materials including posters, cartoons or messages left on noticeboards, desks or common areas, but does not include sexually graphic materials for educational purposes that have been approved and are intentionally used by CGSI solely as part of the curriculum;
 - Repeated invitations to develop a closer or intimate relationship after prior refusal;
 - Unwelcome and uncalled for remarks or insinuations about a person's sex or private life;
 - Comments of a sexually suggestive nature about a person's appearance or body;
 - Sexually offensive phone calls;
 - Offensive emails, text messages or graphics of a sexual nature;
 - Unwanted sexual attention using internet, social networking sites and mobile phones;
 - Sexually offensive screensavers or posters;
 - Threats online of a sexual nature;
 - Revenge porn;
 - Sexual propositions;
 - Indecent exposure;
 - Stalking;
 - Pressuring a student or staff member to engage in sexual behaviour for some educational or employment benefit, or
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- Making a real or perceived threat that rejecting sexual behaviour will carry a negative consequence for the student in education, accommodation, or in a programme or activity of the Provider.

Sexual Misconduct

Sexual misconduct refers to instances of sexual harassment or sexual assault that CGSI is notified of or is responding to. If proven, allegations of sexual misconduct are a breach of this policy and also of the Code of Conduct that apply to both the staff and students of CGSI.

CGSI Community

CGSI Community means the members of the Board of Directors, Academic Board, staff, students and as well as those who use the CGSI campus or facilities for work, study, living and socialising, or other authorised activity.

Vilification

Vilification is a public act that could incite hatred, serious contempt or ridicule towards a person or group. Vilification is against the law for certain characteristics. These characteristics include race, sexual orientation, gender identification status, or HIV/AIDS status.

Vexatious

A complaint is deemed to be vexatious if it is:

- Dishonest or contains intentionally misleading information;
- Malicious; pursued with undue persistence;
- Has the intent to harass or cause delay or detriment, or
- Is pursued in a manner that threatens, menaces or harasses a member of the Board of Directors, Academic Board, staff or students of CGSI.

Victimisation

If you are mistreated because you have made a (or plan to make) a complaint of discrimination, or you have provided information or evidence about a complaint of discrimination, this is known as victimisation. Victimisation is against the law in all States and Territories of Australia.

Version Control

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Version: V4. 3	Replaces Version: V4. 1	Next Review: August 2024
V.4.2	Updating logo, formatting and minor amendments	
V4.1	Updating logo, formatting and minor amendments	
V4.0	CRICOS minor adjustments 24/06/2021	
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V3.0	Refinements arising from external review with logo added	