



Student Complaints and Appeals Policy and Procedure

Version:	220422	Approved By	Board
Approval Reference:	Board Resolution 20220422/6		
Related Policy/Procedure:	<ul style="list-style-type: none"> ➤ Code of Conduct (Staff and Student) ➤ Bullying Harassment and Discrimination Policy ➤ Academic Integrity Policy ➤ Health and Safety Policy (Staff and Student) 		

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Student Complaints and Appeals Policy

Purpose

This Policy sets out how Lyons College will deal with complaints from students.

Scope

This Policy applies to all Lyons College students, staff and contractors.

Policy Statement

Lyons College takes complaints seriously and will investigate and take appropriate actions when necessary. Lyons College endeavours to ensure that students get the best outcomes possible. Students need to be comfortable in lodging complaints without fear of any negative consequences or reprisals for making a complaint.

Lyons College will ensure that:

- All grievances are managed fairly, equitably, efficiently and in a timely manner
- The complainant and the respondent will not be discriminated against or victimised
- The complainant and respondent will have the opportunity to present their case at each stage of the procedure
- The complainant and/or the respondent will have the right to have a representative or support person present during any negotiations with the institute or its appointed representatives
- At all stages of the process, discussions relating to complaints and appeals will be recorded in writing. Reasons and a full explanation for decisions and actions taken as part of this procedure will be provided to the complainant and/or respondent in writing
- Records of all grievances will be kept for a period of five years and treated in accordance with the institute's Privacy Policy and the Privacy Act 1988. These records will be kept strictly confidential and stored at Lyons College.
- All academic and non-academic staff will be communicated and trained to ensure that they understand this policy and procedures and its application.

Lyons College recognises that academic and non-academic complaints will need to be handled differently. For this reason, this Policy and the Student Complaints Procedure will deal with them separately.

This Policy sets out the framework for Lyons College's complaints handling system which includes:

- Providing an impartial and fair mechanism for students to make a complaint
- Providing students accurate information on how to make a complaint
- Setting timeframes for complaint resolution

- Providing or allowing support for the student
- Allowing the student to access independent professional advice at their own cost
- Informing students of their options if they are not satisfied with the outcome
- Providing an informal and formal process for making a complaint
- The student is informed if costs may be incurred for appeals and these costs are reasonable

Lyons College will maintain a Complaints Register. The Complaints Register will include details of all Formal Complaints lodged, details of outcomes and any other relevant information. The Complaints Register will be controlled with access limited to the Senior Executives, Senior Academics and Human Resources.

All complaints lodged will be dealt with in a manner which ensures privacy and where necessary confidentiality, of the parties involved.

The Student Complaints Procedure will outline any procedural differences between domestic students and international students.

Complaints Policy

Academic Complaint examples include, but are not limited to matters relating to:

- Course or unit enrolment
- Student progress
- Assessment outcomes
- Review of a grade
- Granting of recognised prior learning
- Eligibility for graduation
- Decisions related to academic integrity

Non-academic complaint examples include, but are not limited to matters relating to:

- Admissions or enrolment
- Access to or condition of facilities or resources
- Allegations of bullying or harassment
- Allegations of discrimination
- Rejection of a request to transfer to another provider prior to the student completing six months of their principal course with Lyons College
- Safety issues
- Privacy or confidentiality issues
- Issues relating to agents or third parties acting on behalf of Lyons College

Academic and Non-Academic Complaints Process

The process for academic complaints is as follows:

- Informal Complaint
- Formal Complaint
- Investigation of Formal Complaint
- Initial Outcome of Formal Complaint
- Internal Appeal and Review of Initial Outcome

- Outcome of Internal Appeal and Review
- External Appeal and Review
- The above process will be outlined in detail in the Student Complaints Procedure. Safety issues
- Privacy or confidentiality issues
- Issues relating to agents or third parties acting on behalf of Lyons College

Student Complaints and Appeals Procedure

Purpose

This Procedure sets out the process for students to lodge a complaint and how Lyons College will deal with the complaint.

Scope

This Policy applies to all Lyons College students, staff and contractors.

Definitions

Appeal means the escalation and review of an outcome of a Formal Complaint where a Complainant is not satisfied with the result.

Complainant means a student who raises a Complaint and seeks a resolution to that Complaint.

Complaint means a problem, concern or feeling of dissatisfaction that a student has with an act, omission, oversight or decision made by another student or any Lyons College staff or contractor (Respondent) where the student seeks a resolution. A Complaint could be of an academic or non-academic nature.

Formal Complaint means a Complaint made in writing which cannot be resolved through the Informal Complaint mechanism.

Informal Complaint mean a complaint that is dealt with directly between the complainant and any other person involved, with the intention of a resolution prior to a Formal Complaint being raised.

Respondent means the person or people that a Complaint is made against.

Procedure

Lyons College recognises that academic and non-academic Complaints will need to be handled differently. For this reason, this Procedure will deal with them separately.

If the student is enrolled at Lyons College, his or her current status will remain in effect during the time of the complaint/grievance lodging, resolution and/or appeal process.

All Complaints lodged will be dealt with in a manner which ensures privacy and where necessary confidentiality, of the parties involved.

These procedural steps apply to both international and domestic students.

The process for academic and non-academic complaints set out in the Student Grievance Policy is as follows:

8. Informal Complaint
9. Formal Complaint
10. Investigation of Formal Complaint
11. Initial Outcome of Formal Complaint
12. Internal Appeal and Review of Initial Outcome
13. Outcome of Appeal and Internal Review
14. External Appeal and Review

Academic Complaints Procedure

1. Informal Complaints

Students are encouraged resolve any academic concerns or Complaints informally prior to making a Formal Complaint. A student may request that an Informal Complaint is mediated by a Lyons College staff member who is not involved in the matter.

If the Complaint relates to assessment results, the Complainant should talk directly with the academic staff member who gave the grade. This is an opportunity for the Complainant and the academic staff member to review the mark. Both parties should agree to a timeframe to resolve the matter which no more than 2 weeks. If the matter is not resolved within 2 weeks, the student should lodge a Formal Complaint.

If the Complaint relates to issues with student progress or academic integrity, the Complainant should discuss the matter directly with the Respondent. Both parties should agree to a timeframe to resolve the matter with no more than 2 weeks. If the matter is not resolved within 2 weeks, the student should lodge a Formal Complaint.

If the student is not satisfied with the outcome of the Informal Complaint process, they should lodge a Formal Complaint using the Student Complaint Form.

2. Formal Complaint

The Formal Complaint process starts when a student lodges a Student Complaint Form with Student Administration. The Student Complaint Form can either emailed to admin@lyons.edu.au or given to Student Administration at reception. If the student has any concerns around confidentiality, they may lodge the Student Complaint Form directly with the CEO or COO.

Once a Student Complaint Form is received by Student Administration, the complaint is logged in the Complaints Register. The Complaint will then be referred to the most appropriate Lyons College staff member for investigation. Generally, Formal Complaint investigation will be managed by the Chief Operating Officer (COO). If the Complaint is in relation to the COO, it will be managed by the CEO.

3. Investigation of Formal Complaint

The investigating officer will gather all evidence and conduct interviews as required. The investigation must commence within 10 business days of the complaint being lodged. The investigating officer needs to provide an outcome within 20 business days of the Formal Complaint being lodged with Student Administration. If there are compelling reasons, the investigating officer may be required to provide an outcome of the investigation in a shorter time, in which case all parties will be notified.

The investigating officer will need to provide a written report which includes the outcome, the evidence and other factors taken into account and their reasoning behind the outcome. This report will be uploaded against the student file and the outcome recorded in the Complaints Register.

4. Initial Outcome of Formal Complaint

The Complainant will be informed of the outcome of the Formal Complaint investigation in writing within 5 business days of the report being finalised. The full details of the investigating officers report may not be disclosed to the Complainant depending on the circumstances and taking into account privacy and confidentiality.

5. Internal Appeal and Review of Initial Outcome

If the Complainant is not satisfied with the initial outcome, they can lodge an Appeal. The Appeal must be lodged in writing within 10 business days of the Complainant receiving the outcome in writing. The Appeal will be escalated to the level above the investigating officer for review.

For example, complaints investigated by the COO will be reviewed by the CEO. Matters which have been investigated by the CEO will be reviewed by the Chair of the Academic Board.

6. Outcome of Appeal and Internal Review

The Appeal reviewer will need to provide a written report which includes the outcome, the evidence and other factors taken into account and their reasoning behind the outcome. This report will be uploaded against the student file and the Appeal outcome recorded in the Complaints Register.

The internal Appeal should be completed within 15 business days of being lodged by the student. The student must be notified in writing of the outcome if the internal Appeal within 5 business days of the outcome.

7. External Appeal and Review

If the student is not satisfied with the outcome of the Appeal and internal review, they can ask for an external review of the decision. The outcome from the external Appeal and review will be recorded in the student's file as well as the Complaints Register.

International Students

International students can access the external appeals process through the Overseas Students Ombudsman (OSO) at no cost. Further information on what the OSO will investigate and the process to lodge a complaint with them are available at:

<http://www.ombudsman.gov.au/about/overseas-students>

Students should be aware that OSO will only investigate matters once the Lyons College's internal Complaints and Appeal process has been exhausted. If the OSO decides to investigate the complaint, Lyons College will fully cooperate and provide all required evidence and documents. The OSO cannot provide a resolution, but they may overturn any decision made by Lyons College.

In the event that a decision is overturned by the OSO, and the student and Lyons College cannot come to an agreed resolution, that matter will be referred to an external dispute resolution service for final resolution.

Lyons College is a Member of the Resolutions Institute's Student Mediation Scheme, Member Number 44276. Details of this service can be accessed at:

<https://www.resolution.institute/>

If this proceeds, the student and Lyons College will follow the process set out by the Resolution Institute. Lyons College will fully cooperate and provide all required evidence and documents.

Lyons College will initially pay for the mediation services if the matter proceeds to that stage. Lyons College reserves the right to recover up to 50% of the mediation costs if the mediator upholds the decision being reviewed. If the mediator does not agree with the decision that Lyons College has made, Lyons College will cover 100% of the cost of mediation.

Domestic Students (Including VSL Students)

Domestic students can have the matter reviewed by an external dispute resolution service who will provide a final resolution. Lyons College is a Member of the Resolutions Institute's Student Mediation Scheme, Member Number 44276. Details of this service can be accessed at:

<https://www.resolution.institute/>

If a student is paying for a course via a VET Student Loan and does not agree with the outcome of the internal appeal the student can contact the Commonwealth VET Student Loans Ombudsman, for more information go to

<http://www.ombudsman.gov.au>

If this proceeds, the student and Lyons College will follow the process set out by the Resolution Institute or the Ombudsman. Lyons College will fully cooperate and provide all required evidence and documents.

Lyons College will implement the appeal process as soon as practicable after the decision is made.

Lyons College will ensure that there is no charge for either the internal stage or external stage.

Non-Academic Complaints Procedure

1. Informal Complaints

Students are encouraged resolve any non-academic concerns or Complaints informally prior to making a Formal Complaint. A student may request that an Informal Complaint is mediated by a Lyons College staff member who is not involved in the matter.

If the Complaint relates to the behaviour of another student or any Lyons College staff, the Complainant should attempt to resolve the matter directly with the Respondent. The Complainant should let the Respondent know what behaviour they are not happy with, and attempt to resolve the matter directly between the two parties. If the matter is not resolved within 2 weeks, the student should lodge a Formal Complaint.

If the Complainant is concerned about the Respondent's potential reaction to discussing the Complaint, the Complainant should lodge a Formal Complaint rather than approach the Respondent directly.

2. Formal Complaint

The Formal Complaint process starts when a student lodges a Student Complaint Form with Student Administration. The Student Complaint Form can either emailed to admin@lyons.edu.au or given to Student Administration at reception. If the student has any concerns around confidentiality, they may lodge the Student Complaint Form directly with the CEO or COO.

Once a Student Complaint Form is received by Student Administration, the complaint is logged in the Complaints Register. The Complaint will then be referred to the most appropriate Lyons College staff member for investigation. Generally, Formal Complaint investigation will be managed by the COO. If the Complaint is in relation to the COO, it will be managed by the CEO

3. Investigation of Formal Complaint

The investigating officer will gather all evidence and conduct interviews as required. The investigation must commence within 10 business days of the complaint being lodged. The investigating officer needs to provide an outcome within 20 business days of the Formal Complaint being lodged with Student Administration. If there are compelling reasons, the investigating officer may be required to provide an outcome of the investigation in a shorter time, in which case all parties will be notified.

The investigating officer will need to provide a written report which includes the outcome, the evidence and other factors taken into account and their reasoning behind the outcome. This report will be uploaded against the student file and the outcome recorded in the Complaints Register.

4. Initial Outcome of Formal Complaint

The Complainant will be informed of the outcome of the Formal Complaint investigation in writing within 5 business days of the report being finalised. The full details of the investigating officers report may not be disclosed to the Complainant depending on the circumstances and taking into account privacy and confidentiality.

5. Internal Appeal and Review of Initial Outcome

If the Complainant is not satisfied with the initial outcome, they can lodge an Appeal. The Appeal must be lodged in writing within 10 business days of the Complainant receiving the outcome in writing. The Appeal will be escalated to the level above the investigating officer for review.

For example, complaints investigated by the COO will be reviewed by the CEO. Matters which have been investigated by the CEO will be reviewed by the COO or a Board Member.

6. Outcome of Appeal and Internal Review

The Appeal reviewer will need to provide a written report which includes the outcome, the evidence and other factors taken into account and their reasoning behind the outcome. This report will be uploaded against the student file and the Appeal outcome recorded in the Complaints Register.

The internal Appeal should be completed within 15 business days of being lodged by the student. The student must be notified in writing of the outcome if the internal Appeal within two business days of the outcome.

7. External Appeal and Review

If the student is not satisfied with the outcome of the Appeal and internal review, they can ask for an external review of the decision. The outcome from the external Appeal and review will be recorded in the student's file as well as the Complaints Register.

International Students

International students can access the external appeals process through the Overseas Students Ombudsman (OSO) at no cost. Further information on what the OSO will investigate and the process to lodge a complaint with them are available at:

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In the event that a decision is overturned by the OSO, and the student and Lyons College cannot come to an agreed resolution, that matter will be referred to an external dispute resolution service for final resolution.

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Lyons College will initially pay for the mediation services if the matter proceeds to that stage. Lyons College reserves the right to recover up to 50% of the mediation costs if the mediator upholds the decision being reviewed. If the mediator does not agree with the decision that Lyons College has made, Lyons College will cover 100% of the cost of mediation.

Domestic Students (including VSL students)

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If a student is paying for a course via a VET Student Loan and does not agree with the outcome of the internal appeal the student can contact the Commonwealth VET Student Loans Ombudsman, for more information go to

<http://www.ombudsman.gov.au>

If this proceeds, the student and Lyons College will follow the process set out by the Resolution Institute or the Ombudsman. Lyons College will fully cooperate and provide all required evidence and documents.

Lyons College will implement the appeal process as soon as practicable after the decision is made.

Lyons College will ensure that there is no charge for either the internal stage or external stage.

Version	Date	Resolution	Comments
V1.0	09/08/2018	20180809/30	Initial policy created
220422	22/04/2022	20220422/6	Up-date VET Student Loans section, change staff naming. General editing.

Student Formal Complaint Form

Instructions to students:

Please complete all relevant sections of this form and attach any evidence you think is required.

Please submit the completed Form and required evidence in person to Student Administration or email it to admin@lyons.edu.au

Student Details			
Student ID		Title	
Surname		Date of Birth	
First Name			
Course Details			
Contact Details			
Email Address		Email Address 2	
Mobile Phone		Home Phone	
Complaint Details			
<input type="checkbox"/> Academic Complaint		<input type="checkbox"/> Non-Academic Complaint	
Have you tried resolving this matter informally?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the complaint in relation to any of the following:			
<input type="checkbox"/> Bullying	<input type="checkbox"/> Harassment	<input type="checkbox"/> Discrimination	<input type="checkbox"/> Privacy
<input type="checkbox"/> Safety	<input type="checkbox"/> Facilities	<input type="checkbox"/> Marks/Grades	<input type="checkbox"/> Progress
<input type="checkbox"/> Plagiarism	<input type="checkbox"/> Enrolment	<input type="checkbox"/> Delivery	<input type="checkbox"/> Other
Please provide details of your complaint.			
Student Declaration (please tick all to acknowledge you have read and under these)			
I declare that, to the best of my knowledge, the contents of this form are true and correct. I understand that making untrue or vexatious claims could result in disciplinary action against me.			
Signature (Student)		Date:	

Lyons College Student Complaints and Appeals Process

