



## **Trinity College Pathways School, Student Complaints and Appeals Policy**

<b>Policy Type:</b>	Divisional Policy
<b>Policy Number:</b>	TCB009
<b>Date Approved:</b>	11 April 2024
<b>Previous Policy:</b>	Trinity College Pathways School, Student Complaints <a href="#">Policy</a>
<b>Review Date:</b>	31 January 2027

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### **1 OBJECTIVES**

1.1 The purpose of this policy is to provide a framework to ensure consistent, sound and fair proceedings for Trinity College Pathway Students when dealing with Student Complaints and Appeals.

1.2 Trinity College aims to ensure that:

- a) complaints are addressed in a transparent, fair and timely manner in accordance with principles of natural justice, ensuring that all parties are treated equally and fairly.
- b) complainants are able to formally present their case without suffering discrimination or victimisation
- c) complainants have access to a Student Complaint Officer to assist them to understand the process
- d) students who raise a complaint, or have a complaint raised about them, will maintain their enrolment, and attend classes, during the complaint resolution process (unless special circumstances apply).
- e) no cost will be imposed by Trinity College in relation to the complaints handling process
- f) privacy and confidentiality are maintained, except where the release of particular information is required by law.
- g) Students are aware of their right to appeal to both internal and external appeals where appropriate

## 2 SCOPE

- 2.1 This policy applies to the handling of complaints by prospective, current and former Trinity College Pathways School students relating to both academic and non-academic complaints.
- 2.2 This policy should be read in conjunction with the Trinity College Complaints and Appeals Procedure.
- 2.3 Trinity College will respond to any complaint made by a student (prospective, current or former) regarding their dealings with Trinity College, Trinity College registered education agents or any related party Trinity College has an arrangement with to deliver the course or related services.

## 3 POLICY- COMPLAINTS

- 3.1 Trinity College recognises that students may raise complaints relating to their experience at the College and will investigate and address complaints as a commitment to quality and to fulfil legislative requirements.

### ***Nature of Complaints***

#### ***Academic Complaints***

- 3.2 Students may raise a complaint in relation to academic decisions such as:
  - a) decisions by academic staff members affecting an individual or group of students
  - b) the content or structure of academic programs, including the nature of teaching and assessment
  - c) authorship and intellectual property
  - d) quality of teaching

#### ***Non- Academic Complaints***

- 3.3 Students may raise complaints or grievances in relation to administrative decisions, including but not limited to:
  - a) decisions by administrative staff affecting individuals or groups of students
  - b) the administration of policies, procedures and rules of Trinity College
  - c) the standard of service received through Trinity College's administration
  - d) access to resources or facilities

- 3.4 Students may raise complaints in relation to misconduct by a Trinity College staff member, which will be managed under the *Trinity College Staff Code of Conduct* and/or other related policies such as the *Child Safe Policy*.
- 3.5 Students may raise complaints in relation to misconduct by another student, which will be managed under the *Student Code of Conduct* and the *Student Disciplinary Procedure*
- 3.6 Students may raise a joint complaint where more than one student has been affected, in which case the matter will be considered as one issue. If two or more complaints about the same matter are submitted independently, they may be considered jointly by agreement of all parties.
- 3.7 Anonymous complaints may be investigated at the discretion of the Dean Pathways School after considering the nature and seriousness of the complaint, whether there is sufficient evidence for an investigation to take place and whether there is a statutory requirement for an investigation.

#### ***Grounds for Complaints***

- 3.8 Grounds for complaints can include the following:
- a) a student has been affected by a decision made by Trinity College without sufficient consideration of facts, evidence or circumstances
  - b) a failure of Trinity College to adhere to appropriate or relevant published policies and procedures
  - c) a penalty applied to a student was unduly harsh or inappropriate
  - d) a student has been affected by improper or negligent conduct
  - e) a student has been affected by unfair treatment, prejudice or bias

#### ***Communication and Approach***

- 3.9 Trinity College is committed to a culture of openness, fairness and continual improvement and this is to be reflected in communications regarding student complaints
- 3.10 All parties are expected to act in good faith and seek to achieve an amicable resolution.
- 3.11 All parties must respect privacy and confidentiality except where release of information is required by law.
- 3.12 Trinity College supports the welfare of all staff and students who are parties to a complaint through the Student Counselling Services and Employee Assistance Program
- 3.13 Any student who uses the complaints process to make a vexatious complaint, or who is deliberately misleading in relation to a complaint may be subject to disciplinary proceedings.

#### ***Natural Justice***

- 3.14 Trinity College gives students who raise complaints the opportunity to formally present their case

3.15 Trinity College takes all possible measures to ensure that students can raise complaints without fear of discrimination or victimisation

3.16 Trinity College will maintain the student enrolment during the Complaint and Appeals process unless there are reasonable concerns for the safety of the complainant, students, or staff members.

#### ***No Disadvantage***

3.17 A student who makes a complaint is not to be disadvantaged by making the complaint. Complainants must be allowed to continue to attend class, sit examinations, submit assessments and access facilities except in the following circumstances:

- a) The student is subject to exclusion for safety reasons
- b) The student is subject to a cancellation of enrolment due to unpaid fees, where fees are unrelated to the complaint
- c) The subject to a relevant court order precluding them from attending a campus
- d) The student has had their enrolment cancelled or suspended for an unrelated reason.

#### ***Timeliness***

3.18 Trinity College will consider complaints in a timely manner, as specified in the Complaints Procedure.

3.19 Trinity College will take reasonable steps to investigate all complaints, however, where significant time has elapsed since the event, decision or action, there may not be sufficient information to enable investigation of the complaint.

#### ***Right to withdraw***

3.20 Students may withdraw complaints at any time during the resolution process, and the matter will be deemed to be resolved. However, Trinity College reserves the right to continue to investigate a complaint if required to do so to satisfy other requirements or protect its own interests.

## **4 APPEALS**

4.1 A student or eligible person may appeal a decision made by Trinity College (including the outcome of a Complaint) within 20 working days of the written notice.

4.2 Students may access the external appeals process by lodging an appeal with the Commonwealth Ombudsman. Students must provide Trinity College with evidence of lodgement of the external appeal within five (5) working days of the notice of the appeal outcome.

### ***Grounds for Appeals***

4.3 Appeals must provide evidence of one or more of the following grounds:

- a) That there is new evidence to consider regarding the decision that was made and that this evidence could be reasonably expected to alter the decision.
- b) That the decision was not made according to correct procedure as outlined in the relevant policy and procedure document.
- c) That the matter(s) at one or more of the steps were not heard or decided fairly and on their merits.

### ***Lodgement of Notice of Appeal***

4.4 A student or eligible person who wishes to appeal a decision must lodge a notice of appeal within the appeal timeframe noted in 4.2 and 4.3

4.5 Appeals can be lodged by emailing: [tcfsappeals@trinity.unimelb.edu.au](mailto:tcfsappeals@trinity.unimelb.edu.au) or submitting the Application to Appeal Form available on the LMS.

4.6 Where the original decision involves the suspension or cancellation of a student's enrolment, this action cannot take effect until the internal appeals process is complete. The student should continue to attend classes and scheduled examinations unless their health or wellbeing, or the wellbeing of others is likely to be at risk.

4.7 The Notice of Appeal must:

- a) Clearly state the grounds for the appeal
- b) Summarise the basis for each ground for appeal
- c) Attach the notice of the original decision
- d) Include any relevant material or supporting documentation

### ***Consideration of the Appeal***

4.8 Trinity College will acknowledge the notice of the appeal within five (5) working days.

4.9 The Administration and Compliance Manager will determine the validity and completeness of the appeal. If an appeal is not complete, lacks evidence, does not show grounds for appeal, or was not submitted within the required timeframe, the Administration and Compliance Manager may dismiss the appeal without hearing and give notice of the decision. This notice must contain information regarding the right to an external appeal and the contact details of a suitable appeal body.

Where the appeal documentation address the grounds for appeal, the Administration and Compliance Manager will forward the relevant appeal and notes to the Deputy Dean for a decision.

4.10 If a student's appeal is upheld the student will not incur any penalty and their enrolment will continue with explanatory documentation on the file.

4.11 If a student's appeal is unsuccessful they must be advised within 10 business days of concluding the review of their right to access an external complaints and appeals process at minimum or no cost.

4.12 If the internal or external appeal process results in a decision or recommendation in favour of the student, Trinity College must immediately implement the decision or recommendation and/or take any preventative or corrective action required by the decision and advise the student of that action.

## **5 ROLES AND RESPONSIBILITIES**

<b>Role / Decision / Action</b>	<b>Responsibility</b>	<b>Conditions and limitations</b>
Notify relevant staff of complaint	Student or eligible person	
Assist student /complainant to access the complaint resolution process	Student Complaints Officer	
Investigate complaints and grievances and/or appointment of investigator	Student Complaints Officer	
Provide outcome notice to student following investigation	Deputy Dean, Pathways School/Associate Dean (Student Journey)	
Ensure that records are kept of all actions taken under this policy Identify student misconduct in complaints and triage to student discipline process	Deputy Dean, Pathways School/Associate Dean (Student Journey)	
Identify discrimination, sexual harassment and bullying behaviours and triage to appropriate internal or external process	Deputy Dean, Pathways School/Associate Dean (Student Journey)	
Provide annual analysis and reporting of complaints data to Pathways School Executive Committee	Deputy Dean	
Lodge appeal within specified timeframe	Student	
Consideration of validity of appeal	Administration and Compliance Manager	
Forward appeal for decision	Administration and Compliance Manager	
Notify student of outcome and where necessary the opportunity to appeal to an external body	Administration and Compliance Manager	
Make relevant updates to the student record.	Registrations	

## 6 DEFINITIONS

*Complaint:* A problem or concern raised by a student (current, prospective or former) who considers that they have been wronged because of an action, decision or omission within the control of Trinity College or by another student.

*Appeal:* An appeal is a request for a review of the outcome of a complaint

*Student Complaint Officer:* An employee of Trinity College who can assist students to understand the complaints process.

*Vexatious Complaint:* a complaint that has been intentionally fabricated

## 7 RELATED DOCUMENTS AND LEGISLATION

### ***Related legislation and departments***

- Department of Education and Training (Cth) Department of Home Affairs (Cth)
- Education Services for Overseas Students Act 2000 (ESOS Act)
- National Code of Practice for Providers of Education and Training to Overseas Students 2018 (the National Code)
- Commonwealth Ombudsman

### ***Related Documents***

*Trinity College Pathway School Student Complaint and Appeal Procedure*

*Trinity College Student Code of Conduct*

*Trinity College Staff Code of Conduct*

*Student Disciplinary Procedure*

## 8 POLICY OWNER

The Dean Trinity College Pathway School is responsible for the development, compliance monitoring and review of this Policy and any associated procedures or guidelines.

## 9 REVIEW

This Policy is to be reviewed by 28 February 2027.

## 10 VERSION HISTORY

Version	Approved By	Approval Date	Effective Date	Sections Modified
8	Trinity College Board	January 2019	January 2019	
9	Dean Pathways School	12 April 2024	31 January 2027	Moved to new template