

## Operational Procedure

### Student Grievance, Complaints and Appeals

<b>1. Purpose</b>	To demonstrate a clear commitment to the receipt and proper processing of all grievances and subsequent appeals relating to the operations of SAE Institute Pty Ltd trading as SAE Creative Media Institute (SAE).
<b>2. Scope</b>	<p>This procedure applies in the context of SAE Institute Pty Ltd operations in Australia and its approved offshore delivery sites, and is applicable to all students, whether prospective, deferred current or graduands</p> <p>Procedures for SAE campuses internationally may vary in compliance with statutory requirements in other countries of operation. Students registered with SAE Institute Pty Ltd who transfer their studies to a campus outside Australia, will have their registration with SAE Institute in Australia terminated and are required to adhere to the guidelines, policies and procedures of the legal entity to whom they have transferred their registration. This procedure is applicable to all students or prospective students of the Institute, irrespective of their place of residence, campus or mode of study.</p>
<b>3. Associated Policies and Procedures</b>	<p>This procedure should be read in conjunction with the following policies and procedures:</p> <ul style="list-style-type: none"> <li>- Student Grievance, Complaints and Appeals Policy</li> <li>- Student Assessment policy</li> <li>- Student Selection, Admission and Transfer Policy</li> <li>- Academic Credit and Recognition of Prior Learning (RPL)</li> <li>- Student Discipline Rule</li> <li>- Student Progression, Exclusion and Graduation Policy</li> <li>- International Student Policy</li> <li>- Sexual Assault and Sexual Harassment Disclosures and Reporting</li> <li>- Sexual Assault and Sexual Harassment Prevention and Response</li> <li>- Any other policy and procedure that may refer to this procedure and associated policy.</li> </ul>
<b>4. Associated Documents</b>	<p>This procedure should be read in conjunction with the following documentation:</p> <ul style="list-style-type: none"> <li>- Student Complaints and Appeals Form: <a href="https://tinyurl.com/sae-complaints-appeals">https://tinyurl.com/sae-complaints-appeals</a></li> </ul>

<b>5. Procedure</b>	<p><b>5.1 Introduction</b></p> <p>The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other higher education provider policies or under statute or any other law.</p> <p>Complaints and Appeals (Grievances) include but are not restricted to matters of concern to a student relating to delivery and assessment; the quality of the student support and materials; discrimination; and any form of harassment.</p> <p>This procedure and related documentation applies to all students, whether prospective, deferred current or graduands (students) . Any complaints and appeals should be raised as soon as possible of the complainant becoming aware of the issue</p> <p>All complaints and appeals will be resolved within 60 days. If SAE requires more than 60 days to resolve any complaint or appeal, we will write to all parties involved and explain why we require more time and give an expected date that a resolution will be made. We will keep all parties informed during this time in writing.</p> <p>If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the International Student, SAE will immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the International Student of that action.</p> <p><b>5.2 Before an issue becomes a Formal Grievance</b></p> <p>Students are encouraged, wherever possible, to discuss and resolve concerns or difficulties directly with the person(s) concerned. There are various staff including Campus Manager, Student Support Advisors, Administrators, Academic Coordinators, Department Coordinators, Senior Lecturers, Supervisors and other staff available to assist students to resolve their issues at this informal level.</p> <p>Prior to lodging a formal grievance, students may discuss their concerns with the appropriate Department Coordinator or Campus Manager who may facilitate a resolution to the grievance at the informal stage.</p> <p><b>5.3 Lodging a Formal Grievance</b></p> <p>All formal grievances must be lodged online using the Student Complaints and Appeals form on the SAE website.</p> <p>A formal grievance should include a detailed breakdown of the reasons for the grievance and include any supporting materials or evidence that is relevant to the matter.</p> <p>The Student Appeals Form is to be used when a student is appealing a decision made by SAE directly affecting them.</p>
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The Student Complaints Form is used for any other grievances that are not directly linked to a decision made against them.

#### 5.4 Stage 1 - Processing a Formal Grievance

Upon receipt of a written grievance the Campus register will be updated and a folder created for all relevant material in the case. All records should be treated as confidential in accordance with the SAE Institute policy on information privacy;

The matter will be considered by the Campus Manager and/or the Academic Coordinator and, and where appropriate, other staff of the Institute.

If, in the opinion of the Campus Manager or Academic Coordinator there are insufficient grounds or cause to proceed, due reason will be communicated to the complainant in writing and the matter considered closed.

If, in the opinion of the Campus Manager or Academic Coordinator, there are sufficient grounds or cause to proceed, then a proposed resolution will be put forward to the complainant in writing within ten (10) working days of the grievance having been received.

In all cases, SAE will provide a written explanation to the complainant of the outcomes of Stage 1 of the formal grievance and the reasons for the decision. This notification must be given in writing within ten (10) working days of the grievance having been received. This outcome will be recorded in the appropriate folder and campus register updated accordingly. The written response will also provide details on the appeals process.

SAE will respond to any complaint or appeal the International Student makes regarding their dealings with SAE, SAE's education agents, or any related party that SAE has an arrangement with to deliver the International Student's course or related services.

**5.5 Process for Academic Appeals relating to Unit/Assessment Grade Outcomes:** Note: All academic appeals relating to unit/assessment grade outcomes must be lodged within ten (10) working days of results being officially published at the end of trimester.

Where a final grade awarded for part or whole of a unit is in dispute, the Academic Coordinator will ensure that the academic decision will be re-assessed by two independent assessors who were not involved in the original decision. Such assessors may be drawn from any SAE campus in Australia.

In the event that these assessors find the academic decision to be unfair, appropriate action will be taken and the final grade will be moderated accordingly.

#### 5.6 Stage 2 - Appeal

If the complainant is not satisfied with the outcome at Stage 1 of these procedure, they may appeal to the:

- National Manager of Academic Services (NMAS) for academic grievances; or

- National Manager of Student Experience (NMSE) for general grievances.

The complainant shall submit the appeal in writing within ten (10) working days of receiving the written notification of the outcome from Stage 1. International Student have the right to access SAE’s Student Grievances, Complaints and Appeals process within 20 working days of receiving the written notification of the outcome. SAE will commence assessment of the complaint or appeal within 10 working days of it being made in accordance with SAE's complaints handling and appeals process and policy, and finalise the outcome as soon as practicable (standard 10.2.3 ESOS Code).

The National Manager of Academic Services or the National Manager of Student Experience having received the appeal shall:

- Acknowledge its receipt within five (5) working days;
- Inform the Chair of the Academic Board and the General Manager that an appeal has been received;
- Inform the Campus Manager and Academic Coordinator at the campus where the grievance was processed at Stage 1, that an appeal has been received;
- Decide to enforce the implementation of the recommendations made at the end of Stage 1; or
- Dismiss the case, giving reasons in writing to the complainant; or
- Determine whether there are sufficient grounds to convene a Grievance Panel and, if so, shall establish a Grievance Panel from the pool of approved Grievance Panel members as defined below to hear the appeal.
- Provide details on how to appeal the decision

**Note:** The Campus Manager or Academic Coordinator that processed the grievance at Stage 1 of the formal grievance, shall provide the Chair of the Grievance Panel with copies of all evidence and materials as well as all formal documentation related to the case, within five (5) days of receipt of notification of the appeal.

**5.7 Convening a Grievance Panel:**

A Grievance Panel shall consist of no less than three (3) members selected from the pool of approved Grievance Panel members. The Grievance Panel will normally be chaired by the National Manager of Academic Services or National Manager of Student Experience. In selecting the panel members, the Chair shall consider the nature of the grievance and the selected members shall have had no prior involvement in the grievance (refer to the list of approved grievance panel members).

The pool of approved Grievance Panel members shall normally include a variety of staff from the national offices, senior management and may include members of the Academic Board.

The Grievance Panel shall hear the appeal within ten (10) working days of receipt in accordance with the procedures detailed below. The decision of the panel shall be final. If necessary the Chair shall have a casting vote.

The Chair of the Grievance Panel shall submit, within five (5) working days of the panel meeting, a written report to the General Manager. The Chair shall provide the complainant with written confirmation of the outcome of Stage 2 (appeal) of the grievance.

The Chair of the Grievance Panel shall seek to ensure that any actions arising from the decision of the panel are taken within the timescale identified in the report and shall report any failure to complete actions to the General Manager.

**5.7.1 Procedural Rules for the Conduct of National Grievance Panel**

The Grievance Panel will examine the circumstances and evidence in the case. Where necessary the panel may ask the complainant, Campus Manager and/or Academic Coordinator and if deemed necessary any other party involved in the case, to provide further documentation and if necessary participate in a hearing.

**5.7.2 Hearings**

Hearings shall take place at dates and times notified in writing to the complainant, members of staff and other students concerned, at least seven (7) working days before the hearing.

The Chair of the panel shall, at the same time as they notify the date of the meeting, indicate the names of any persons that the panel intends to call to give evidence together with a copy of any statement obtained from those persons which are to be referred to at the hearing.

A person of their choosing may accompany the complainant or any respondents directly involved in the grievance. If the complainant or any respondent intends to be accompanied, the name and contact details of the accompanying person shall be notified to the Chair not less than seventy-two (72) hours prior to the meeting of the Panel. Legal representation is not allowed at a hearing other than in exceptional circumstances with the prior approval of the Chair of the panel.

The complainant and respondents directly involved in the grievance and persons accompanying them shall be permitted to question any persons giving evidence to the meeting and to directly address the Grievance Panel.

If the complainant or any respondent wishes to introduce documents to the Panel, they shall supply copies of all such documents to the Chair at least five (5) working days before the date of the hearing. The Chair shall ensure these papers are circulated as soon as possible to the other party and to all members of the Panel. The Chair may decide to give time to examine the documents by adjourning or delaying the meeting of the Panel for a period of up to five (5) working days.

The Grievance Panel shall meet and make their final deliberations in private. The panel shall initially decide and then inform all parties concerned how it will conduct the hearing subject to the procedures being consistent with the principles of these grievance procedures and of these procedural rules. Meetings may be conducted via telephone conference where it is impractical to have all members present in one location. Any person that is unable to be

present for the meeting, may, subject to the approval of the Chair, submit a written statement to the Grievance Panel. Where all reasonable attempts have been made to contact the complainant, the Grievance Panel may proceed with the hearing with the complainant in absentia, if in the view of the panel there is sufficient documentation and evidence available to make a determination on the grievance.

The Grievance Panel shall establish the exact nature of the grievance, establish the facts as far as it is possible to do so, consider the facts, determine its decision and report its decision in writing within five (5) working days to the General Manager and copied to all parties involved in hearing the appeal.

### **5.8 Stage 3 – Appeal to General Manager**

If the complainant is not satisfied with the outcome of their appeal in Stage 2, they may lodge a written appeal to the General Manager.

The complainant shall submit the appeal in writing within ten (10) working days of receiving the written notification of the outcome from Stage 2. International Student have the right to access SAE's Student Grievances, Complaints and Appeals process within 20 working days of receiving the written notification of the outcome.

The General Manager having received the appeal shall:

- Acknowledge its receipt within five (5) working days;
- Decide to enforce the implementation of the recommendations made at the end of Stage 2; or
- Dismiss the case, giving reasons in writing to the complainant; or
- Seek agreement to an alternative set of recommendations and
- Provide details on how to appeal the decision.

In reaching a determination, the General Manager may undertake a hearing with the complainant and the Chair of the Grievance Panel. Further evidence and documentation may also be requested from any of the parties. Such documentation must be submitted to the General Manager within five (5) business days of the meeting.

### **5.9 Stage 4 - External Mediation and Dispute Resolution (Domestic Students)**

If the complainant is not satisfied with the outcome of the appeal to the General Manager in Stage 3, they may make a written request to the General Manager that they wish the matter be dealt with through an external dispute resolution process.

An external mediation and dispute resolution process will be facilitated by the organisation called The Resolution Institute, which is an independent national association of dispute resolvers.

The General Manager will contact The Resolution Institute to notify them that a request has been made for external mediation and dispute resolution, within five (5) working days of the request. The Resolution Institute will appoint a suitably qualified mediator and make

arrangements for a mediation to be held between the Institute and the complainant, as soon as practicably possible after receiving notification from the Institute.

The complainant or any respondent to the grievance may ask another person to accompany them to the external mediation. This support person is not the primary negotiator and is only able to speak at the mediator’s discretion.

The mediator will undertake the mediation in line with the approved Mediation Model and Rules of The Resolution Institute. This includes the mediator assisting SAE and the complainant to identify the issues between them, and to explore options for, and if possible achieve the expeditious resolution of the dispute, by agreement between SAE and the complainant.

If a grievance still remains unresolved after the external mediation and dispute resolution process, the complainant may decide to refer the matter to an external agency, such as the Office of Fair Trading or the Anti-Discrimination Board.

SAE will bear all reasonable costs associated with the external mediation and dispute resolution process. This procedure will be executed at minimal or no cost to the student.

**Contact Details for The Resolution Institute**

Level 2, 13-15 Bridge Street  
 Sydney NSW 2000  
 Phone: (+61 2) 9251 3366  
 Fax: (+61 2) 9251 3733  
 Freecall: 1800 651 650  
 Email: [infoaus@resolution.institute](mailto:infoaus@resolution.institute)  
 Website: <http://www.resolution.institute/>

In the absence (e.g. vacation or illness) of the person holding a named post in the procedure, the person deputising for them during the time of their absence shall substitute. In cases when the grievance involves the nominated deputy, a member of Executive Management shall be consulted and shall determine who shall be responsible for handling the grievance.

**5.10 Stage 4 - External Mediation and Dispute Resolution (International Students)**

Upon determining the outcome of Stage 3, the complainant will be notified within 10 days this decision, and their right to access an external complaints handling and appeals process.

If the complainant is not satisfied with the outcome of the appeal to the General Manager in Stage 3, they may lodge an external appeal or complain about this decision, by contacting the Overseas Students Ombudsman. The Overseas Students Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider (except in South Australia).



**Contact Details for the Overseas Students Ombudsman:**

Overseas Students Ombudsman  
 GPO Box 442, Canberra ACT 2601  
 Phone: 1300 362 072 (*calls from mobile phones at mobile phone rates*) or  
 +61 2 6276 0111 for call from outside Australia  
 Fax: +61 2 6276 0123  
 Complaints form:  
<https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=oco-complaint-form>  
 Web: [www.oso.gov.au](http://www.oso.gov.au)

In South Australia, the Office of the Training Advocate already provides a no cost, independent appeals process for overseas students and will continue to do so, with the Overseas Students Ombudsman referring complaints originating in South Australia to the Office of the Training Advocate.

**Contact Details for The Office of the Training Advocate:**

The Office of the Training Advocate  
 Ground Floor, 55 Currie Street, Adelaide SA 5000  
 GPO Box 320 Adelaide SA 5001  
 Phone: 1800 006 488 (*This service is monitored after hours in urgent circumstances – in urgent circumstances please leave a message so an officer can contact you as soon as possible*)  
 Email: [trainingadvocate@sa.gov.au](mailto:trainingadvocate@sa.gov.au)  
 Web: [www.trainingadvocate.sa.gov.au/](http://www.trainingadvocate.sa.gov.au/)

If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the overseas student, the registered provider must immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the overseas student of that action.

**Administrative Information and Version Control**

Date	Summary of Changes	Approved by
13 July 2007	Procedure implemented	Academic Board
9 September 2009	Procedure amended	Chair Academic Board
15 February 2011	Procedure approved	Prof. Zbys Klich, CEO & Managing Director)
28 February 2011	Procedure approved	Prof. Zbys Klich, CEO & Managing Director
6 June 2011	Procedure approved	Prof. Zbys Klich, CEO & Managing Director
20 November 2012	Procedure updated	Prof. Zbys Klich, Chair, Academic Board
29 August 2016	Procedure updated with new contact details	Joseph Anthonysz, Managing Director

Prepared by C. Webber and S. Metry | Procedure on Student Grievance, Complaints and Appeals | SO\_1\_A\_PRO\_StudentGrievance\_190325 | Approved Academic Board 190405 | Page 8 of 9

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1 May 2017	Procedure updated	Lee Aitken General Manager
1 December 2017	Minor Administrative Changes	Academic Board
18 September 2018	Procedure updated	General Manager
05 April 2019	Procedure updated	Academic Board
31 October 2019	Procedure updated	Director of Student Experience
6 March 2020	Procedure update	Director of Student Experience