

## VET-FEE HELP NON-ACADEMIC GRIEVANCE AND APPEALS

[Policy Statement](#) | [Procedure](#) | [Responsibilities](#) | [Definitions](#) | [Related Legislation and Documents](#)

### 1 PURPOSE

This policy and procedure provides information relating to grievances and appeals for students and persons who are or would be entitled to VET FEE-HELP assistance in accordance with the Higher Education Support Act 2003. The grievance and appeals process is at no cost to the complainant, and is applicable regardless of the location of the CQUniversity campus at which the grievance or appeal has arisen, the complainant's place of residence or the mode in which they study.

### 2 SCOPE

This policy and procedure applies to both students and persons seeking to enrol that are, or would be, entitled to VET FEE-HELP assistance under Clause 43 of Schedule 1A of the Act. The VET FEE-HELP Non-Academic Grievance of Appeals Policy relates to CQUniversity activities including behavioural misconduct, non-payment of fees, matters relating to a person's application for study, and the management of personal information.

**3 EFFECTIVE DATE** 5 July 2016

### 4 LEGISLATIVE AUTHORITY

[Higher Education Support Act Section 2003 \(HESA\) – Schedule 1A](#)  
[Central Queensland University Act 1998](#)

### 5 POLICY STATEMENT

- 5.1 The purpose of an internal appeals process is to have unfavourable decisions heard and/or reconsidered by relevant staff within CQUniversity.
- 5.2 Should a complainant be dissatisfied with the outcome of the internal appeals process, they have the right to take their case to an external independent body. The purpose of an external appeals process is to enable the complainant to have an independent body available to handle their individual grievance appeals independently of CQUniversity and review the fairness of the decisions made.

#### General Information

- 5.3 Non-academic grievances may include, but are not limited to, behavioural misconduct, non-payment of fees, matters relating to a person's application for study, and the management of personal information.
- 5.4 VET FEE-HELP non-academic grievances and appeals should be submitted using CQUniversity's VET FEE-HELP Non-Academic Grievance and Appeal Form.
- 5.5 Complaints about CQUniversity staff are processed in accordance with the Student Feedback – Compliments and Complaints Policy and Procedure.
- 5.6 Complainants may provide feedback on products and services offered by CQUniversity in accordance with the Student Feedback – Compliments and Complaints Policy and Procedure. .
- 5.7 CQUniversity will give due consideration to any recommendation made as a result of an external review and implement agreed recommendations.

- 5.8 The VET FEE-HELP grievance and appeals requirements will be maintained in accordance with the VET Guidelines 2015.

## Appeals Information

- 5.9 A complainant has the opportunity to formally present their case at no cost.
- 5.10 A complainant will not be victimised or discriminated against at any stage of the process outlined in this document.
- 5.11 The grievance or appeal must be lodged with the relevant Discipline Manager within 10 business days of the date the decision was communicated to the complainant in writing by the staff member who received the complaint. If the appeal is not lodged within the specified timeframe, the decision will stand.
- 5.12 The appeals process will be finalised and communicated to the complainant within 20 business days of the formal lodgement of the VET FEE-HELP Non-Academic Grievance and Appeal Form and relevant supporting documentation.
- 5.13 The complainant and/or respondent has the right to be accompanied and assisted by a support person in every relevant meeting they attend.
- 5.14 The complainant and/or respondent will be provided with a written statement of the outcome of the internal appeals process within five days of the appeal hearing, including details of the reasons for the outcome, and any actions to be undertaken.
- 5.15 A complainant's enrolment will be maintained, and the complainant is required to attend all classes during an internal appeals process unless otherwise agreed.
- 5.16 If a complainant is dissatisfied with the CQUniversity appeals process, they can contact the [Queensland Ombudsman's Office](#).
- 5.17 The Ombudsman will only intervene where CQUniversity appeals process was not conducted correctly or if CQUniversity did not make the appeals process available to the complainant.
- 5.18 Complainants who wish to exercise their right to have their case heard by an external body must notify the Discipline Manager within five business days of receiving written notification of the outcome of the internal appeals process.
- 5.19 Complainants are required to immediately advise CQUniversity of the outcome of the external appeals process.
- 5.20 Records of all grievances and appeals must be kept and be accessible to all interested parties for a period of five years. Such records will remain confidential. Parties to the complaint will be allowed supervised access to these records as per requirements in VET Guidelines 5.3.2(i).

## Internal Appeals

- 5.21 Complainants have the right to appeal decisions which they consider to be unfavourable and/or unreasonable in relation to:
- Behavioural misconduct
  - Non-payment of fees
  - Matters related to a person's application to enrol in a VET course of study at CQUniversity
  - Matters related to privacy principles and the management of personal information.
- 5.22 In the first instance, complaints should be discussed informally with the person/s involved, usually their teacher. However, if this is impracticable, complainants are to lodge a formal complaint with the relevant Discipline Manager.
- 5.23 This arrangement is free of charge. Once a decision has been made it will be communicated to the complainant in writing.

- 5.24 If this does not resolve the complaint, complainants may submit their appeal in writing by completing a VET FEE-HELP Non-Academic Grievance and Appeal Form for consideration by the Non-Academic Appeals Committee. All documentation lodged must be original documents or certified copies, no photocopies or facsimiles will be accepted.
- 5.25 Complainants must outline the decision being appealed and the reasons for the appeal, including any compassionate or compelling circumstances, and may provide documentary evidence in support of their appeal. Appeals must be received within 10 business days of receiving notification of the original decision.
- 5.26 VET FEE-HELP Non-Academic Grievance and Appeal Forms can be lodged:

By Mail:

Director, Governance  
CQUniversity Australia  
Bruce Highway  
NORTH ROCKHAMPTON QLD 4701

In person at CQUniversity Student Services Centres:

Emerald: Capricorn Highway, Emerald  
Gladstone City: Derby Street, Gladstone  
Mackay City: 90-92 Sydney Street, Mackay  
Rockhampton City: 114-190 Canning Street, Rockhampton

### Outcome of Internal Appeals

- 5.27 The Non-Academic Appeals Committee will review the appeal application within 15 business days. The Committee will then provide the complainant with a written statement including details of the reasons for the outcome, and any actions to be undertaken within five business days of the decision being made. A complainant who is not satisfied with the result of the internal appeals process, has the right to pursue the external appeal processes as outlined below.

### External Appeals

- 5.28 Should a complainant be dissatisfied with the outcome of the internal appeals process, they have the right to take their case to an external independent body.
- 5.29 The purpose of an external appeals process is to consider whether CQUniversity has followed its policies and procedures, and to review the decision made by CQUniversity to determine the fairness of the decision in line with CQUniversity's policies and procedures. CQUniversity will give due consideration to any recommendation made as a result of the external review. For example, if a complainant takes their case to the external body (following the internal appeals process) appealing against a CQUniversity decision to exclude them for behavioural misconduct, the external appeals process would look at the way in which the internal appeal was conducted. The external body would not make a determination as to whether the complainant should be deemed to have engaged in behavioural misconduct.
- 5.30 Complainants lodge their appeal with the Queensland Ombudsman. There is no cost for lodging appeals. The Ombudsman will investigate the case, make an assessment and advise the complainant of the outcome. The Ombudsman's Office will also notify the University of the outcome of the external appeal.
- 5.31 Further information is available at [www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au) or by contacting the Queensland Ombudsman's Office:

Phone:	(07) 3005 7000
Toll free (outside Brisbane):	1800 068 908
Fax:	(07) 3005 7067
Email:	<a href="mailto:ombudsman@ombudsman.qld.gov.au">ombudsman@ombudsman.qld.gov.au</a>

- 5.32 Appeals can be lodged with the Queensland Ombudsman's Office:

By Mail:

GPO Box 3314  
BRISBANE QLD 4001

In person:

Level 18, 53 Albert Street  
BRISBANE QLD 4000

## Outcome of External Appeals

- 5.33 If the Queensland Ombudsman makes recommendations in relation to a grievance or appeal they have reviewed, the Ombudsman will forward those recommendations to CQUniversity's Vice-Chancellor and President who will ensure that the recommendations are implemented within 30 days.

## 6 PROCEDURE

### Process

- 6.1 The complainant will raise an informal complaint about an unfavourable and/or unreasonable decision within five business days of the decision being received. The complainant is to raise the informal complaint either verbally or in writing to the CQUniversity staff member/s involved (usually the teacher of that unit of study). However, if the complainant feels uncomfortable with discussing the matter with the person/s involved, or is dissatisfied with the resolution of their complaint with the initial staff member, they are to lodge a formal complaint with the relevant Discipline Manager within 10 business days of notification of the unsatisfactory outcome.
- 6.2 The staff member who receives the informal complaint will discuss the matter with the person/s involved within five business days of receiving the complaint. If the staff member is unable to discuss the matter with the person/s involved, they will refer the person/s involved to the Discipline Manager to lodge a formal complaint.
- 6.3 The Discipline Manager, upon receipt of the complaint, will review the complaint and make a decision as to the outcome. The decision is to be made within 20 business days of receiving the complaint and is to be issued to the complainant in writing and will include reasons and a full explanation for the decisions and actions taken. A copy of the decision is to be kept on the student's file.
- 6.4 If the complainant is unhappy with the resolution reached with the Discipline Manager, the complainant is to submit the appeal in writing to the Non-Academic Appeals Committee by completing VET FEE-HELP Non-Academic Grievance and Appeal Form. The complainant must outline the decision and reasons for the grievance or appeal, including any compassionate or compelling circumstances and may provide documentary evidence in support of their appeal. All documentation must be original documents or JP Certified copies (no photocopies or facsimile are to be accepted), and lodged within 20 days of notification of the decision.
- 6.5 Within 10 business days of receiving the application form, the Non-Academic Appeals Committee will consider the grievance or appeal application through a hearing which the complainant and/or respondent and representatives may attend. The Academic Appeals Committee will review the case and provide a written statement, within five business days of the hearing, to both the complainant and/or respondent. The written statement will include reasons for the outcome, a full explanation of the outcome and any actions to be undertaken by either party.
- 6.6 If the complainant is not satisfied with the outcome of the Non-Academic Appeals Committee, they are then able to take their case to an external independent body. Complainants may refer their appeal to the [Queensland Ombudsman's Office](#). The complainant must notify the Discipline Manager within five business days of receiving their outcome notice if they intend to refer the matter to the Ombudsman.
- 6.7 Upon receipt of the case, the Queensland Ombudsman will investigate the case and make an assessment. The Queensland Ombudsman will investigate where CQUniversity has followed relevant policies and procedures, and whether these have been fair. The Queensland Ombudsman will advise the complainant and the Institute Director of the outcome of the external appeal and include reasons and a full explanation for the decisions and actions taken.
- 6.8 The University will provide the Queensland Ombudsman with any further information required in relation to the complaint. Once the outcome from the Ombudsman's Office is received, the Vice-Chancellor and President will ensure that any recommendations are implemented within 30 days.

### Accountabilities

- 6.9 CQUniversity guarantees all grievance and appeals records will be treated as confidential.

- 6.10 CQUniversity will ensure that staff and complainants involved will not be victimised or discriminate against as a result of their grievance.
- 6.11 CQUniversity will ensure that all staff and complainants have the opportunity to nominate a third party to accompany and assist them at any stage of this procedure, if so desired (as per Student Rules).
- 6.12 CQUniversity will store records of all grievances, their applications and outcomes for a period of five years (VET Guidelines 5.3.2(i)). All parties to the complaint will be allowed appropriate access to these records.
- 6.13 Distribution of all associated policies, procedures and forms to all staff, students and other interested parties will be via CQUniversity's website and Student Self Service.

## 7 RESPONSIBILITIES

### Compliance, Monitoring and Review

- 7.1 The Administrator is responsible for compliance with and monitoring implementation of this document and to undertake reviews as required.

### Reporting

- 7.2 There are no additional reporting requirements.

### Records Management

- 7.3 CQUniversity will store records of all grievances, their applications and outcomes for a period of five years, as per the VET Guidelines.
- 7.4 All records relevant to this document are to be maintained in a recognised University recordkeeping system.

## 8 DEFINITIONS

**Appeal:** request by a complainant to have a matter heard and/or re-considered after receiving an unfavourable decision.

**Non-Academic Appeals Committee:** a committee formed to hear VET FEE-HELP non-academic appeals. The committee will comprise a Dean, and the Manager, Organisational Capability and/or delegates provided none of these persons has been previously involved in the matter being appealed.

**Compassionate or Compelling Circumstances:** circumstances considered to be beyond the control of the complainant and may include:

- serious injury (a medical certificate is provided);
- bereavement of close family members (a death certificate may be provided);
- major political upheaval or natural disaster in their home country;
- a traumatic experience (i.e. car accident; witnessing a crime or being involved in a crime).

**Complainant:** a student or person seeking to enrol that is, or would be, entitled to VET FEE-HELP assistance under Clause 43 of Schedule 1A of the Higher Education Support Act, who makes a complaint to CQUniversity.

**External Appeal:** appeal heard by a party external to CQUniversity.

**Grievance:** a cause of dissatisfaction where the complainant has a honest belief, based on reasonable grounds, that an academic decision and/or action, an administrative decision and/or action, or the behaviour of another student or staff member is unfair and/or reasonable.

**Internal Appeal:** appeal heard by nominated staff within CQUniversity.

**Ombudsman:** the Queensland Ombudsman's Office is an independent complaints investigation agency. The Ombudsman investigates complaints about the actions and decisions of Queensland public agencies and their staff that may be unlawful, unreasonable, unfair, improperly discriminatory or otherwise wrong.

**Relevant Discipline Manager:** the designated member of CQUniversity who will attempt to resolve the complainant's non-academic grievance or appeal.

**VET FEE-HELP:** the Commonwealth Government's loan scheme to assist eligible students to pay their VET tuition fees, and can cover all or part of the student's tuition fees for VET unit/s of study which form part of a VET course of study. These must be undertaken with a body which is approved as a VET Provider under Schedule 1A of the *Higher Education Support Act 2003* (HESA).

## 9 RELATED LEGISLATION AND DOCUMENTS

### Related Policy Document Suite

[VET FEE-HELP Non-Academic Grievance and Appeal Form](#)

### Related Legislation and Supporting Documents

[Higher Education Support Act Section 2003 \(HESA\) – Schedule 1A](#)

[Standards for NVR Registered Training Organisations 2011 – Part 2, SNR 16](#)

[VET Guidelines 2015](#)

Approval and Review	Details
Approval Authority	Vice-Chancellor and President
Advisory Committee to Approval Authority	Vice-Chancellor's Advisory Committee
Administrator	Director, Governance
Next Review Date	24/06/2019

Approval and Amendment History	Details
Original Approval Authority and Date	Institute Director, CQ TAFE 11/07/13
Amendment Authority and Date	Vice-Chancellor and President 12/06/2014; Director, Governance 24/06/2016.