

Dispute Resolution Policy for Domestic Students

1. Responsibility and Authority

The Dean and Chief Executive of The Australian College of Theology (ACTh) shall define the *Dispute Resolution Policy for Domestic Students*. This policy was approved by ACTh Board of Delegates on 12 March 2007. The Quality Manager shall ensure the policy is developed, distributed, reviewed, maintained, understood, and implemented in the ACTh and throughout affiliated colleges. This policy is published in the Handbooks of the College and on the College website www.actheology.edu.au.

2. Policy Statement

The College shall provide processes handling grievances (complaints)/resolving disputes brought by prospective, enrolled and former domestic students (called “students” in this policy) regarding academic and non-academic decisions.

Grievance means a statement of concern by a student that:

- (a) has been reported by the student to an officer in an affiliated college or the ACTh; and
- (b) requires action or a response under the policies or regulations of the ACTh.

General feedback and comment from students about administration, academic programs and services will not be treated by the ACTh as a grievance unless action or a response is required under the policies or regulations of the ACTh.

For the purposes of this policy academic decisions include

- (a) results of intra-semester assessments and curriculum issues; and
- (b) grades awarded in a unit.

For the purposes of this policy all other academic decisions, including those relating to student admission or progression, curriculum and awards in a course of study, shall be dealt with in the manner of non-academic decisions.

Whenever possible, grievances will be handled at the affiliated college level and within the College. Formal procedures for the resolution of grievances will normally only be invoked when a matter cannot be resolved by informal means. However, should these internal processes not resolve the matter, provision is made for external independent grievance handling/dispute resolution by reference to the Council of Private Higher Education. If the Council of Private Higher Education makes recommendations in relation to a grievance they have reviewed, they will forward those recommendations within 10 working days of the decision to the ACTh Quality Manager, who will ensure that the recommendations are implemented within 25 working days.

Affiliated colleges are obliged to provide students with the information contained in this policy statement on request or, for enrolling students, at initial enrolment or within seven (7) days of starting an award course at an affiliated college of the ACTh. Continuing students should have this policy brought to their attention at the commencement of each subsequent year of enrolment in units of their course.

Affiliated colleges must report formal complaints, and decisions reached, in their Annual Report to the Board of the ACTh. A complaint/grievance is deemed formal when it is lodged in writing. The ACTh Board has appointed the Dean of the College as the review officer in relation to outcome of appeals to the Principal of affiliated colleges.

If the Dean was involved in making the original decision that becomes the matter in dispute or the Dean is unavailable to participate in any resolution process below, another person of appropriate rank and expertise shall be appointed by the ACTh Board Chair as the review officer in place of the Dean.

2.1 Principles underpinning this policy include:

- (a) Actions within the process will be undertaken in a timely manner and timelines for responses will be specified at each stage of the process
- (b) The process will be as simple as possible and easily accessible to students
- (c) The process will not victimise or discriminate against any student or respondent
- (d) As part of the process, reasons and full explanations will be given for decisions and actions taken
- (e) Appropriate records of the handling of a grievance/complaint will be kept for a minimum of 5 years and treated as confidential, with appropriate access available to involved parties
- (f) Components of the process within the ACTh or an affiliated college shall normally be at no cost to the student, apart from travelling expenses. Any required arrangements for external independent grievance handling/dispute resolution will be inexpensive to the student. A fee may apply when a review is formally requested in relation to the grade of a passed assessment item or the grade of a passed unit.
- (g) The complainant may withdraw a grievance at any stage in the process. If the grievance is withdrawn, the matter will be deemed to be closed
- (h) Students may use the procedures set out in this policy regardless of the location of the campus of the affiliated college at which the grievance has arisen, the student's place of residence or the mode in which the student studies.

Nothing in the College's policies and procedures negate the right of any student (Australian or overseas resident) to take action under Australia's consumer protection laws in the case of financial disputes. This Dispute Resolution Policy does not circumscribe the student's right to pursue other legal remedies.

2.2 Principles of Natural Justice

All staff involved in resolving a complaint have a duty to observe the principles of natural justice, which involve the following elements:

- (a) the right of the student (complainant) to a fair hearing
- (b) the right of the student (complainant) or any respondent to attend hearings with a friend or support person, if desired, provided the person is not a practising solicitor or barrister
- (c) the opportunity for all parties involved to be heard
- (d) the respondent having full knowledge of the nature and substance of the grievance
- (e) the complainant not determining the outcome, but may be a party to it
- (f) the right to an independent, unbiased decision-maker
- (g) a final decision that is based solely on the relevant evidence with all submissions considered

3. Appeals against Academic Decisions

In these procedures, an '**academic decision**' means a decision of a member of the academic staff of an affiliated college or the ACTh that relates to marks for intra-semester assessment tasks and final grades for units.

3.1 Complaints and Grievances about marks assigned to an intra-semester assessment task and unit curriculum matters

3.1.1 Informal resolution with a lecturer in an affiliated college

Students concerned about an academic decision concerning curriculum/assessment in a unit of study should initially discuss the concern informally with the relevant lecturer at their college of enrolment. In particular, following the release of results of intra-semester assessments (e.g. an essay), students may informally request that an assessment be reviewed by the lecturer of the unit of study. This should be done within twenty five (25) working days of the particular academic decision being made. The lecturer should deal with the issue promptly, giving a full explanation to the student of the reasons for the academic decision.

If the student's concerns are not resolved by this means, the lecturer should:

- Explain the next step in the procedure, set out below; and
- Give the student a copy of this policy

3.1.2 Reference to the Academic Dean of an affiliated college

If the student's concerns cannot be resolved by the relevant lecturer, and/or the student alleges failure to follow procedures, the student may then choose to approach the Academic Dean of the affiliated college. The student may approach the Academic Dean on an informal basis, or else make the complaint formal by putting the grievance in writing, specifying the nature of the complaint and the grounds for their appeal. The student should do either of these things within 15 working days of the outcome of discussions with the lecturer.

Informal complaints

If the student chooses to approach the Academic Dean informally, this does not preclude later lodgement of the grievance formally in writing to the Academic Dean.

The Academic Dean should deal with informal complaints promptly, giving a full explanation to the student of the reasons for the academic decision.

Formal complaints

The Academic Dean must acknowledge receipt of a formal complaint in writing within five (5) working days of receipt.

The Academic Dean must try to resolve the complaint within 15 working days of receiving the complaint. The Academic Dean may discuss the matter with both the student and the relevant lecturer in attendance. If the complaint relates to the mark for an intra-semester assessment, the Academic Dean may arrange for the assessment script to be marked by another lecturer in the student's college of enrolment.

Following investigation of the matter, the Academic Dean will advise the student in writing of his/her decision:

- (a) setting out the reasons;
- (b) advising that if the student does not agree with the decision, then the student has the right of formal appeal to the Dean of the ACTh; and
- (c) giving the student a copy of this policy, if the student does not already have a copy.

3.1.3 Reference to the Dean of the ACTh

If the student's concerns cannot be resolved by the Academic Dean of an affiliated college, and/or the student alleges failure to follow procedures, the student may only formally approach the Dean of the ACTh by putting the complaint in writing and lodging it within 15 working days of receipt of the written response by the Academic Dean. Again the nature of the complaint and the grounds for appeal should be detailed.

The Dean must acknowledge receipt of the formal complaint in writing within five (5) working days of receipt.

The Dean must try to resolve the complaint within fifteen (15) working days of receiving the complaint. If the complaint relates to the mark for an intra-semester assessment, the Dean may appoint an independent assessor who will remark the assessment script under dispute. A fee may be charged if the student had been awarded a passing grade or higher for the assessment script under dispute.

Following investigation of the matter, the Dean will advise the student in writing of his/her decision:

- (a) setting out the reasons;
- (b) if the complaint relates to the mark on an intra-semester assessment, advising that his/her decision is final; and,
- (c) giving the student a copy of this policy, if the student does not already have a copy.

3.2 Complaints about the grade awarded in a unit

Following release of the final grades in units by the ACTh, students may wish to lodge a complaint about the grade awarded in an enrolled unit. Should the student proceed to formal appeal of a passing grade, a fee may apply.

3.2.1 Informal resolution with the Registrar in an affiliated college

Students concerned about the final grade awarded in a unit of study should initially discuss the issue informally with the Registrar at their college of enrolment. This should be done within twenty five (25) working days of the release of results by the ACTh. The Registrar should deal with the issue promptly, giving a full explanation to the student of the reasons for the grade awarded.

If the student's concerns are not resolved by this means, the Registrar should:

- Explain the next step in the procedure, set out below; and
- Give the student a copy of this policy

3.2.2 Reference to the Academic Dean of an affiliated college

If the student's concerns were not resolved by the Registrar, and/or the student alleges failure to follow procedures, the student may then choose to approach the Academic Dean of the affiliated college. The student may approach the Academic Dean on an informal basis, or else make the complaint formal by putting the grievance in writing, specifying the nature of the complaint and the grounds for their appeal. The student should do either of these things within 15 working days of the outcome of discussions with the Registrar.

Informal complaints

If the student chooses to approach the Academic Dean informally, this does not preclude later lodgement of the grievance formally in writing to the Academic Dean.

The Academic Dean should deal with informal complaint about the final grade for a unit promptly, giving a full explanation to the student of the reasons for the academic decision.

Formal complaints

While not limited to the following, a student may normally appeal formally against the award of a grade only where:

1. the lecturer did not provide a unit outline as required; or
2. the assessment requirements as specified in the unit outline were varied in an unreasonable way; or
3. examiners judgement was not objectively applied because of prejudice against the individual candidate; or
4. a student is of the view that a clerical error has occurred in the computation of the grade; or
5. due regard has not been paid to the evidence of illness or misadventure if submitted by the specified date
6. a student is of the view that they have been disadvantaged in some way due to the conduct of their final examination.

The Academic Dean must acknowledge receipt of a formal complaint in writing within five (5) working days of receipt.

The Academic Dean must try to resolve the complaint within 15 working days of receiving the complaint. The Academic Dean may discuss the matter with both the student and the relevant lecturer in attendance. The Academic Dean may arrange for the assessment script(s) completed in the unit to be marked by another lecturer in the student's college of enrolment.

Following investigation of the matter, the Academic Dean will advise the student in writing of his/her decision:

- (a) setting out the reasons;

- (b) advising that if the student does not agree with the decision, then the student has the right of formal appeal to the Dean of the ACTh; and
- (c) giving the student a copy of this policy, if the student does not already have a copy.

3.2.3 Reference to the Dean of the ACTh

If the student's concerns cannot be resolved by the Academic Dean of an affiliated college, and/or the student alleges failure to follow procedures, the student may only formally approach the Dean of the ACTh by putting the complaint in writing and lodging it within 15 working days of receipt of the written response by the Academic Dean. Again the nature of the complaint and the grounds for appeal should be detailed.

The Dean must acknowledge receipt of the formal complaint in writing within five (5) working days of receipt.

The Dean must try to resolve the complaint within fifteen (15) working days of receiving the complaint.

Following investigation of the matter, the Dean will advise the student in writing of his/her decision:

- (a) setting out the reasons for the awarding of the final grade for the unit;
- (b) advising that if the student does not agree with the decision, then the student has the right of formal appeal to an independent external agency; and
- (c) giving the student a copy of this policy, if the student does not already have a copy.

4. Appeals regarding Other Academic and non-Academic/Administrative Decisions

Other Academic and Non-academic/administrative decisions are not limited to, but include, matters related to fees, withdrawals, etc., and other decisions students may consider are interfering with the progress of their studies or with issuing of an award of the College.

4.1 Informal resolution with the Registrar of member college

In the first instance, a student who is concerned about a decision made or action taken by their member college or the ACTh should discuss their grievance with the Registrar at their college of enrolment. The Registrar will promptly notify the student of any action taken or any decision made by them in relation to the grievance.

If, following the notification from the Registrar, the student's grievance is not resolved to their satisfaction or the student alleges failure to follow procedure, the student should seek advice from the Registrar concerning to whom the student may next address their grievance. If the matter relates to the affiliated college, the student may address their grievance to the Principal; if the matter relates to ACTh policy or regulations, the student may address their grievance to the ACTh Academic Administrator. The Registrar will give the student a copy of this policy.

4.2 Reference to the Principal of an Affiliated College

If the Principal was involved in making the original decision that becomes the matter in dispute or the Principal is unavailable to participate in the resolution process, another person of appropriate rank and expertise shall be appointed by the Chair of the affiliated college Council (or equivalent) as the review officer in place of the Principal.

If the student's concerns cannot be resolved by the Registrar of an affiliated college, and/or the student alleges failure to follow procedures, the student may only formally approach the Principal of the affiliated college by putting the complaint in writing and lodging it within 15 working days of receipt of the notification from the Registrar. Again the nature of the complaint and the grounds for appeal should be detailed.

The Principal must acknowledge receipt of the formal complaint in writing within five (5) working days of receipt.

The Principal must try to resolve the complaint within fifteen (15) working days of receiving the complaint.

Following investigation of the matter, the Principal will advise the student in writing of his/her decision:

- (b) setting out the reasons for the awarding of the final grade for the unit;
- (b) advising that if the student does not agree with the decision, then the student has the right of formal appeal to the Dean of the ACTh; and
- (c) giving the student a copy of this policy, if the student does not already have a copy.

4.3 Reference to the ACTh Academic Administrator

If the student's concerns relate to ACTh policy or regulations and have not been resolved by the Registrar of the affiliated college, or the student alleges failure to follow procedures, the student may choose to formally approach the Academic Administrator of the ACTh. The student should put the complaint in writing to the ACTh Academic Administrator within 15 working days of the outcome of discussions with the Registrar, specifying the nature of the complaint and the grounds for their appeal.

The ACTh Academic Administrator must acknowledge receipt of a formal complaint in writing within five (5) working days of receipt.

The ACTh Academic Administrator must try to resolve the complaint within 15 working days of receiving the complaint.

Following investigation of the matter, the ACTh Academic Administrator will advise the student in writing of his/her decision:

- (a) setting out the reasons;
- (c) advising that if the student does not agree with the decision, then the student has the right of formal appeal to the Dean of the ACTh; and
- (d) giving the student a copy of this policy, if the student does not already have a copy.

Contact details for the ACTh Academic Administrator:

Miss Anne Bates
Academic Administrator
Australian College of Theology
Suite 4, Level 6
51 Druitt Street
Sydney NSW 2000
Ph. 02 9262 7890
abates@actheology.edu.au

4.4 Reference to the Dean of the ACTh

If the student's concerns cannot be resolved by the ACTh Academic Administrator, or the student alleges failure to follow procedures, the student may only formally approach the Dean of the ACTh by putting the complaint in writing and lodging it within 15 working days of receipt of the written response by the ACTh Academic Administrator. Again the nature of the complaint and the grounds for appeal should be detailed.

The Dean must acknowledge receipt of the formal complaint in writing within five (5) working days of receipt.

The Dean must try to resolve the complaint within fifteen (15) working days of receiving the complaint.

Following investigation of the matter, the Dean will advise the student in writing of his/her decision:

- (a) setting out the reasons;
- (b) advising that if the student does not agree with the decision, then the student has the right of formal appeal to an independent external agency; and
- (d) giving the student a copy of this policy, if the student does not already have a copy.

Contact details for the ACTh Dean:

Rev Dr Mark Harding

Dean

Australian College of Theology

Suite 4, Level 6

51 Druitt Street

Sydney NSW 2000

Ph. 02 9262 7890

mharding@actheology.edu.au

5. External Dispute Resolution

Students who remain dissatisfied with the outcome of any appeal, except those related to a mark for an intra-semester assessment, can make a final appeal free of charge to the Council of Private Higher Education (COPHE), c/- the Executive Officer, Mr Adrian McComb, PO Box 4210, Castlecrag, NSW, 2068 (02 9417 0834). Such appeals should be in writing. The staff at affiliated colleges and the ACTh are also able to make representation to COPHE regarding the matter. Students can include a nominee in this process if they so choose. Decisions of COPHE shall be final and binding on all parties.

Notwithstanding the above, in matters of dispute resolution, students may exercise their rights to other legal remedies and may contact the higher education authority in their state. Contact details for the higher education authority in each state where the ACTh is the registered provider are listed below. Students can include a nominee to represent them in this process if they so choose.

External Formal Concern

If a domestic student is concerned about the College's actions, the student may raise concerns with respect to the ACTh's registration as an education and course provider to students with the higher education authority in the state in which their enrolling college is located.

In New South Wales

Higher Education Directorate
NSW Department of Education and Training
GPO Box 33
SYDNEY NSW 2001

Level 5
35 Bridge Street
Sydney NSW 2000
Ph: (02) 9561 8656
Fax: (02) 9561 8681
Email: highered@det.nsw.edu.au

In Victoria

Department of Education and Training
Level 3, 2 Treasury Place
East Melbourne, Victoria 3002
PO Box 266 Melbourne, Victoria 3001
Ph: (03) 9637 2808
Fax: (03) 9637 2720
Email: highered@edumail.vic.gov.au

In Western Australia

Office of Non-Government and International Education,
Department of Education Services
PO Box 1766
Osborne Park WA 6916
Ph: (08) 9441 1900
Fax: (08) 9441 1950

In Queensland

The Director
The Office of Higher Education
PO Box 15033
City East Qld 4002
Australia

Floor 18
Education House
30 Mary Street
Brisbane Qld 4000
Australia

Ph: (07) 3237 0390
Fax: (07) 3237 1444
Email: Enquiries.OFFICEHE@qed.qld.gov.au

In South Australia

Higher Education Recognition
31 Flinders Street, ADELAIDE SA 5000
GPO Box 320, ADELAIDE SA 5001
Ph: (08) 8226 3182,
Fax: (08) 8226 0429
email: korobacz.vic@saugov.sa.gov.au

In Tasmania

The Tasmanian Qualifications Authority
PO Box 147
Sandy Bay TAS 7006

Level 5, Kirksway House
2 Kirksway Place
Battery Point
Ph: (03) 6233 7948
Fax: (03) 6224 0175
Email: reception@tqa.tas.gov.au

In each state the Director-General (or equivalent) has the power to suspend or cancel the provider's registration or a course if a breach of the requirements of registration provision is proved.

Review

This policy shall be reviewed annually in compliance with education industry standards including the Australian Universities Quality Agency (AUQA) Good Practice Database.

March 2007 [update to 2.1(f) – 13 June 2007]

