
	Title:  <h1>Dispute Resolution Policy for International Students</h1>	
	Version: 3.00	Date: 7/8/2017
	Policy Area: Student	Next Review: 7/8/2018
	Approval: Academic Board	Signature: 

### Overview

Vose Seminary has adopted this policy in compliance with ACT's [Dispute Resolution Policy for International Students](#). This policy works together with a process for dealing with student grievances (also called 'complaints'). The policy ensures that students have access to fair and just avenues to deal with any grievances, and that they can follow those avenues without fear of reprisal.

Where possible, grievances are handled internally by Vose Seminary, in consultation with the ACT office if necessary. If a grievance is not resolved in this way, it is referred to the Council of Private Higher Education for independent external resolution. Any recommendations from that council must be implemented within 25 days.

### Responsibility and Authority

The Principal of Vose Seminary shall define the Dispute Resolution Policy for International Students. The Principal shall ensure the policy is developed, distributed, reviewed, maintained, understood, and implemented in Vose Seminary.

### Publication

This Dispute Resolution Policy for International Students will be made available to students and potential students through publication on our website [www.vose.edu.au](http://www.vose.edu.au), in hardcopy by request, as well as in the International Student Handbook.

Access to this policy must be given to students on enrolment or within 7 days of starting an award course. In addition, continuing students must be reminded of this policy at the beginning of each subsequent year of their enrolment. Students must make themselves aware of this policy before they sign an agreement or pay any fees, whichever occurs first, and within 7 days of starting an award course.

Vose Seminary must keep written records of all formal grievances, as well as the steps taken and decisions reached. Vose Seminary must also report all formal grievances and decisions reached in their annual report to the ACT Board of Directors.

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## Definitions

**Student:** All overseas students studying at Vose. They may be prospective, enrolled or former students.

**Grievance:** A statement of concern made by a student which the student has reported to Vose or to the ACT office, and which requires action or a response under this policy. A grievance can also be called a 'complaint', or a 'dispute'.

**What is not a grievance?:** General feedback and comment about administration, academic programs and services is not treated as a grievance unless action or a response is required under this policy.

**Academic matter:** An action, inaction or decision by a member of the academic staff that affects the student's academic assessment or progress.

**Non-academic matter:** Administrative or other matters (for example, matters related to fees, withdrawals, expulsion, allegations of bullying or harassment, etc) and other action, inaction or decisions that students may consider are interfering with the progress of their studies or with the granting of an award.

**Natural justice:** A term used in government and administrative decision-making, meaning the duty to act fairly in a dispute – that is, to act without bias and to ensure a fair hearing for all parties. It can also be called 'procedural fairness'. The underlying assumption is that some legal principles are self-evident, or 'natural'.

## International Student Liaison Officer

Vose Seminary provides a range of support services to international students and has a formal dispute resolution policy for international students. Students are encouraged to contact the International Student Liaison Officer or the Academic Dean when such an occurrence arises. Whenever possible, grievances will be handled within the Seminary. However, should these internal processes not resolve the matter, provision is made for external independent grievance handling/dispute resolution.

## Policy Statement

The Seminary provides processes for handling grievances brought by enrolled International Students regarding academic and non-academic matters.

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

Whenever possible, grievances will be handled within the Seminary. However, should these internal processes not resolve the matter, provision is made for external independent grievance handling/dispute resolution.

International Students lodging formal grievances, whether against Academic or non-Academic decisions, will have the grievance heard according to the following general principles:

- 1) Actions within the process will be undertaken in a timely manner and timelines for responses will be specified at each stage of the process;
- 2) The process will be as simple as possible and easily accessible to students;
- 3) The process will not victimise or discriminate against any student or respondent;
- 4) As part of the process, reasons and full explanations will be given for decisions and actions taken;
- 5) Appropriate records of the handling of a grievance/complaint will be kept for a minimum of five (5) years and for the length of the enrolment. All records will be treated as confidential, with appropriate access available to involved parties;

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- 6) Components of the process within Vose Seminary shall be at no cost to the student, apart from travelling expenses. Any costs associated with external independent grievance handling/dispute resolution will be negotiated between the student and the Seminary.
- 7) All staff involved in a complaint or appeal have a duty to observe the principles of procedural fairness (natural justice);
- 8) Students accessing the appeal process will have their enrolment maintained while the process is ongoing;
- 9) Students may use the procedures set out in this policy regardless of the location of the campus at which the grievance has arisen, the student's place of residence or the mode in which the student studies;
- 10) 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;
- 11) If the appeal results in a decision that supports the student, Vose Seminary will immediately implement that decision and/or corrective and preventative action required and will advise the student of the outcome.
- 12) If the appeal results in a decision that does not support the student, the original decision made by Vose Seminary will apply.

In addition to these conditions, International Students lodging formal grievances have the right:

- 1) For the grievance process to commence within five (5) working days of lodgement of the documents and to have it concluded as soon as practicable;
- 2) To present their case at minimal or no cost.
- 3) To be accompanied and assisted by a support person at any relevant meetings;
- 4) To receive a written statement of the outcome of the grievance process, including the detail of the reasons for the outcome.

Furthermore, nothing in the Seminary's policies and procedures negates the right of any student (Australian or overseas resident) to take action under Australia's consumer protection laws. This Dispute Resolution Policy does not circumscribe the student's right to pursue other legal remedies.

### **Principles of Natural Justice (Procedural Fairness)**

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

- 1) The right of the student (complainant) to a fair hearing;
- 2) 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 practicing solicitor or barrister;
- 3) The opportunity for all parties involved to be heard, including any person having full knowledge of the nature and substance of the grievance.
- 4) The right to an independent, unbiased decision-maker;
- 5) A final decision that is based solely on the relevant evidence with all submissions considered.

### **Grievances about academic matters**

In this policy, an 'academic matter' means the action, inaction, or a decision of a member of the academic staff that affects the student's academic assessment or progress.

Examples of academic matters are final grades for units; matters concerning student admission or progression; curriculum and awards; marks for intra-semester assessment tasks (eg. essays).

Students may lodge grievances without fear of reprisal, and the appeals process provides for review by an appropriate independent third party if internal processes do not resolve a grievance.

### **Concerns about a grade**

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Students concerned about an academic decision related to curriculum and/or assessment in a unit of study or the final grade awarded in a unit of study should initially discuss the issue informally with the lecturer concerned. This should be done within twenty five (25) working days of the release of results by Vose Seminary. The lecturer concerned 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 were not resolved to the student's satisfaction, or if the student alleges failure to follow procedure, the student may approach the Academic Dean on an informal basis within fifteen (15) working days of the outcome of discussions with the lecturer concerned. The Academic Dean shall respond to informal complaints about the final grade for a unit promptly, giving a full explanation to the student of the reasons for the academic decision. If the student chooses to approach the Academic Dean informally, this does not preclude later lodgement of a formal appeal in writing to the Academic Dean or to the Principal.

Students have the right to lodge a formal appeal and, 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) The examiner's judgment 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; or
- 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 and ensure that all documentation relevant to the complaint is maintained within the student's file.

The Academic Dean must try to resolve the complaint within fifteen (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 Seminary of enrolment.

If the student's concerns cannot be resolved by the Academic Dean, or because of failure to follow procedures, the student may lodge a formal grievance with the Principal of Vose Seminary within fifteen (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 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 and ensure that all documentation relevant to the complaint is maintained within the student's file.

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

- 1) Setting out the reasons;
- 2) If the complaint relates to the mark on an intra-semester assessment, advising that his/her decision is final; on other academic matters, 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

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- 3) Giving the student a copy of this policy, if the student does not already have a copy.

### **Escalation Procedure**

If your concerns of a formal complaint are not resolved by the Academic Dean and / or Principal of Vose Seminary, or if you believe the process has not been followed, you may contact the Dean of the ACT. Put your grievance in writing, explaining clearly the nature of your concern and the grounds for its appeal, and send it to the Dean of the ACT. You must do this within 15 days of receiving the Academic Dean's written response. If the Dean of the ACT was involved in the original decision that has become the matter in dispute, the Chair of the ACT Board must appoint another person of appropriate rank and expertise to review the matter.

Note: A fee might be charged for an appeal where you have been awarded a 'passing' grade in the unit.

Upon receipt of your grievance, the Office of the Dean of the ACT will undertake the following:

- Acknowledge the grievance in writing within 5 days.
- Try to resolve the grievance within 15 days.
- Advise the student of the decision in writing, including:
  - setting out the reasons the final grade was awarded
  - advising the student that if they do not agree with the decision, they have the right of formal appeal to the Academic Appeals Committee
  - enclosing a copy of this policy and instructing the student to read it.

**Dean & CEO of the ACT**

**Rev Dr Mark Harding**

**Australian College of Theology Level 10, 257 Clarence  
Street Sydney NSW 2000**

**Ph: 02 9262 7890**

**mharding@actheology.edu.au**

### **Appealing an academic grievance to the Academic Appeals Committee**

If you disagree with the decision made by the lecturer, the Academic Dean, the Principal and the Dean of the ACT, you can put your grievance in writing, explaining clearly the nature of your complaint and the grounds for its appeal. Send it to the ACT's Director of Academic Services (for the Academic Appeals Committee) within 15 days of receiving the ACT Dean's written response.

Note: The membership of the Academic Appeals Committee is decided on a case-by-case basis (explained in the Committees of the Academic Board Policy, available at [www.actheology.edu.au](http://www.actheology.edu.au)). Therefore you should send your complaint through the ACT's Director of Academic Services.

#### **Academic Appeals Committee's action:**

- Acknowledge the formal appeal in writing within 5 days.
- Try to resolve the grievance within 15 days.
- Advise the student of your decision in writing, including:
  - setting out the reasons the final grade was awarded
  - advising the student that if they do not agree with the decision, they have the right of formal appeal to an independent external agency
  - enclosing a copy of this policy and instructing the student to read it.

#### **Advice to students**

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If you remain dissatisfied with the outcome of this appeal, you can make a final appeal free of charge to the Council of Private Higher Education (COPHE), which is an independent third party.

### **Grievances about non-academic/administrative and other issues**

Non-academic/administrative decisions include, but are not limited to, matters related to fees, withdrawals, cancelling a student's enrolment status, expulsion, allegations of bullying or harassment, etc, and any other action, inaction or decision that students may consider are interfering with the progress of their studies or with the granting of an award. Such appeals may also include complaints made against Seminary staff or about Seminary services.

Students may lodge grievances without fear of reprisal, and the appeals process provides for review by an independent third party if internal processes do not resolve a grievance.

In the first instance, a student who is concerned about a non-academic decision made or action taken by the Seminary should informally discuss their grievance with the Overseas Student Liaison Officer (at Vose Seminary this person is the Registrar) or the Academic Dean at the Seminary. This action must be taken within 25 days of the decision, action or inaction. The Overseas Student Liaison Officer/Academic Dean will provide the student with a copy of this policy and will promptly notify the student of any action taken or any decision made by them in relation to the grievance.

If the student's concerns relate to Vose Seminary policy or regulations and have not been resolved by the International Liaison Officer/Academic Dean, or if the student alleges failure to follow procedures, the student may choose to submit a formal appeal to the Principal of Vose Seminary. The student should put the complaint in writing to the Principal within fifteen (15) working days of the outcome of discussions with the International Liaison Officer/Academic Dean, specifying the nature of the complaint and the grounds for their appeal.

Note: If the Principal was involved in making the original decision, action or inaction that has become the matter in dispute, the Chair of the college council must appoint another person of appropriate rank and expertise to review the matter.

The Principal must acknowledge receipt of a formal complaint in writing within five (5) working days of receipt and ensure that all documentation relevant to the complaint is maintained within the student's file. 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 their decision:

- 1) Setting out the reasons;
- 2) Advising that if the student does not agree with the decision, then the student has the right of formal appeal to the Chair of Vose Seminary; and
- 3) Giving the student a copy of this policy, if the student does not already have a copy.

Where the Principal is absent or unavailable during the time of the lodgement, a nominated representative will conduct proceedings.

If the student's concerns cannot be resolved by the Principal or the nominated representative, or if the student alleges failure to follow procedures, the student may formally approach the Chair of Vose Seminary by putting the complaint in writing and lodging it within fifteen (15) working days of receipt of the written response by the Vose Seminary Principal. Again the nature of the complaint and the grounds for appeal should be detailed.

The Chair must acknowledge receipt of the formal complaint in writing within five (5) working days of receipt and ensure that all documentation relevant to the complaint is maintained within the student's file. The Chair must try to resolve the complaint within fifteen (15) working days of

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receiving the complaint. Following investigation of the matter, the Chair will advise the student in writing of his or her decision:

- 1) Setting out the reasons;
- 2) 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
- 3) Giving the student a copy of this policy, if the student does not already have a copy.

### **Appeal to the ACT's Director of Academic Services**

If the student's concerns cannot be resolved by the Chair, or if the student alleges failure to follow procedures, the student may formally approach the ACT's Director of Academic Services by putting the complaint in writing and lodging it within fifteen (15) working days of receipt of the written response by the Vose Seminary Board Chair. Again the nature of the complaint and the grounds for appeal should be detailed.

The Chair must acknowledge receipt of the formal complaint in writing within five (5) working days of receipt and ensure that all documentation relevant to the complaint is maintained within the student's file. The Chair must try to resolve the complaint within fifteen (15) working days of receiving the complaint. Following investigation of the matter, the Chair will advise the student in writing of his or her decision:

- 1) Setting out the reasons;
- 2) 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
- 3) Giving the student a copy of this policy, if the student does not already have a copy.

#### **ACT Director of Academic Services**

**Mr Simon Davies**

**Director of Academic Services Australian College of Theology Level  
10, 257 Clarence Street Sydney NSW 2000**

**Ph: 02 9262 7890**

**[sdavies@actheology.edu.au](mailto:sdavies@actheology.edu.au)**

### **Appeal to the Dean of the ACT**

If the student's concerns cannot be resolved by the Chair or the Director of Academic Services, or if the student alleges failure to follow procedures, the student may formally approach the Dean of the ACT by putting the complaint in writing and lodging it within fifteen (15) working days of receipt of the written response by the Director of Academic Services. 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 and ensure that all documentation relevant to the complaint is maintained within the student's file. The Chair must try to resolve the complaint within fifteen (15) working days of receiving the complaint. Following investigation of the matter, the Chair will advise the student in writing of his or her decision:

- 1) Setting out the reasons;
- 2) 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
- 3) Giving the student a copy of this policy, if the student does not already have a copy.

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### **Advice to students**

If you remain dissatisfied with the outcome of this appeal, you can make a final appeal free of charge to the Council of Private Higher Education (COPHE), which is an independent third party.

### **External Dispute Resolution**

Students who remain dissatisfied with the outcome of any appeal, except those related to a mark for an intra-semester assessment, may make a final written appeal – free of charge – to the Council of Private Higher Education (COPHE).

Vose Seminary and the ACT office may also make representations to COPHE regarding the matter.

COPHE is an independent third party, and its decisions are final and binding on all parties.

**Mr Adrian McComb**

**Executive Officer**

**Council of Private Higher Education Suite 59, 47 Neridah Street Chatswood  
NSW 2167**

**Ph: 02 8021 0841**

### **The Overseas Students Ombudsman**

A student may lodge a complaint with the Ombudsman if he/she is not satisfied with the way that his/her complaint has been handled by a provider. You can complain about the ACT if you believe ACT or its colleges have not followed the rules correctly or treated you fairly. Complaints might be about:

- refusing admission to a course
- course fees and refunds
- course or provider transfers
- course progress or attendance
- cancellation of enrolment
- accommodation or work arranged by your provider

You can also complain if a provider has failed to take action or is taking too long to take some action. This might include, failing to provide student results in the normal timeframe, or failing to provide services included in the student's written agreement with the provider, for example.

**Overseas Students Ombudsman**

**GPO Box 442**

**Canberra ACT 2601**

**Ph: 1300 362 072**

**[www.oso.gov.au](http://www.oso.gov.au)**

**[ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)**

### **The Tertiary Education Quality and Standards Agency**

If a student has a complaint about the ACT's actions, they may raise concerns with the Tertiary Education Quality & Standards Agency (TEQSA) regarding the ACT's registration as an education and course provider.

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TEQSA does not deal with students' academic or non-academic grievances. Those grievances are dealt with under this policy.

**TEQSA**

**GPO Box 1672 MELBOURNE VIC 3001 Ph: 1300 739 585**

**[www.teqsa.edu.au](http://www.teqsa.edu.au) [enquiries@teqsa.gov.au](mailto:enquiries@teqsa.gov.au)**

### **Australian College of Theology policy on Dispute Resolution**

Students enrolled in our Higher Education courses are encouraged to read the Australian College of Theology policy on Dispute Resolution found on their website:

[www.actheology.edu.au/policies](http://www.actheology.edu.au/policies)

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## Appendix: Document History and Version Control Record

**Document Title:** Dispute Resolution Policy for International Students  
**Source Documents:** ACT Dispute Resolution for International Students  
**Associated Internal Documents:**  
**Associated External Documents:** ACT Dispute Resolution for International Students  
**Authorised Officer:** Cate Vose  
**Approved by:** Academic Board  
**Date of Approval:** 7/11/2017  
**Assigned Review Period:** 2 years  
**Date of Next Review:** 7/11/2019

Version Number	Version Date	Authorised Officer	Amendment Details
1.00			Document included in the General Policy Handbook
D1.01	05/12/2012	KS	"Principles of Natural Justice (Procedural Fairness)" included
D1.02	1/7/2013	JV	Policy separated from the General Policy Handbook Policy draft adjusted to merge duplicated policy Document modified to include current history and version controls
V 2.00	17/4/2014	Academic Board	Outdated information pertaining to External Dispute Resolution removed.
V3.00	7/8/2017	Academic Board to approve at meeting on 7/11/2017	Additional information (approx. 4 pages) added to align with the ACT policy