

Student Complaints and Appeals Policy

Version 1.3

1. Purpose

This policy explains how Nexus Institute of Higher Education provides a fair, effective and equitable complaints resolution and appeals process to current and prospective students.

The policy complies with the requirements of the Higher Education Standards Framework 2021, ESOS Act 2009 and the National Code of Practice for Providers of Education and Training for Overseas Students, Standard 10.

This policy should be read in conjunction with

- Admission Policy
- Enrolment Policy
- Assessment Policy
- Progress and Intervention Policy
- Student Code of Conduct
- Fees Policy

2. Scope

This policy applies to all current students at Nexus Institute and all applicants for admission to Nexus Institute, regardless of the delivery location at which the complaint has arisen, the person's place of residence or the mode of study. The policy covers both academic and non-academic matters.

The policy applies to the handling of all complaints regarding the activities of Nexus Institute, its education agents, third parties and any other associated entities delivering the Institute's courses or related services.

3. Definitions

Complaint. An expression of dissatisfaction occurring as a result of activity at Nexus Institute. Also referred to as a grievance.

Appeal. A formal process to challenge a decision made on a particular matter.

Student. A person enrolled at Nexus Institute or seeking admission to Nexus Institute.

Respondent. A person responding to a complaint or appeal.

4. Policy Statement

Any current or prospective student of Nexus Institute who believes they have experienced incorrect, inappropriate or unfair treatment during their activities at Nexus Institute is entitled to access the complaints and appeals process set out in this policy, regardless of the location of the campus at which the matter has arisen, the student's place of residence or the mode in which they study.

The student has the right to raise a complaint or appeal and to have that matter considered with courtesy, in a timely fashion and without fear of prejudicial treatment.

Nexus Institute is committed to upholding confidentiality and safeguarding the privacy and safety of anyone making a complaint. Complaints may be made in confidence. Unless there are confidentiality or other reasons not to do so, individuals to whom the complaint relates will be informed of the complaint at an appropriate time and will be given a chance to respond to the allegations made against them. The Institute will provide feedback to the person making the complaint about the progress of the investigation and the outcome (subject to considerations of the privacy of those against whom allegations are made).

The internal complaints and appeals procedures are free of charge.

Wherever possible, complaints and appeals should be resolved at the informal level with a minimum of formal procedures. An informal process, involving discussion between the student and a member of staff may be conducted in each case to try to resolve the issue prior to a formal complaint or appeal being lodged.

Complaints handling and resolution is based on the following principles:

- All complaints and appeals will be handled with procedural fairness respecting the right to be heard by an impartial person.
- Students and staff should first attempt to resolve any conflict informally in a cooperative manner and as close to the source of disagreement as possible. If this is not possible, or the outcome is unsatisfactory, the formal process may be commenced.
- Students and staff will not be subject to discrimination or harassment resulting from their participation in the complaints or appeal process.
- Students and staff have the right to be represented, or accompanied, by a third party (such as a family member, friend, counsellor or other professional support person other than a qualified legal practitioner) if they so desire.
- All communications arising from the complaints and appeals process will remain confidential, except to the extent necessary to give effect to this policy.
- Where an appeal relates to suspension of enrolment, students may maintain their enrolled status while awaiting the outcome of the appeal.
- If, at any time during the internal or external **complaints and** appeals process, a decision is made which supports the student, Nexus Institute will immediately implement the decision and **any action required and** advise the student of the outcome.

For informal complaints, a file note should be kept by the staff member receiving the complaint. For formal complaints, the complaint must be recorded on the Complaints and Appeals Register maintained by the Registrar (Attachment 2 outlines the scope of the register).

5. Procedures

Academic complaints and appeals relate to teaching and delivery of subjects and academic decisions made by academic staff. For example,

- Dissatisfaction with the content, design or delivery of a subject
- Dissatisfaction with the clarity of an assessment
- Dissatisfaction with feedback provided by a teacher
- Assessment and exam results
- Course progress.

Non-academic complaints and appeals relate to service and facilities provided by Nexus Institute or to non-academic decisions. For example,

- Fees and refund
- Intention to cancel enrolment
- The administration of admission, enrolment, credit, examination and completion
- Dissatisfaction with services and facilities
- Health and safety on campus
- Discrimination, harassment, victimisation or bullying.

The complaints process has two stages and the appeals process has two stages (illustrated by the flow chart in Attachment 1).

Stage 1 – Informal Complaint

A student or prospective student who feels that an academic or administrative issue is unsatisfactory or unacceptable is strongly encouraged to attempt to resolve the matter directly with the person or area concerned, or with the appropriate supervisor of that person. The issue of concern should be raised as soon as possible, usually within a week of the decision or event.

A student may proceed directly to the lodgement of a formal complaint where it is more appropriate for serious or sensitive matters.

Stage 2 – Formal Complaint

A student has 15 working days from the date of the decision or event, to lodge a formal complaint. To commence this process, the student must complete the Formal Complaint Form and submit it to the Registrar.

The following matters cannot be assessed as a formal complaint and must be handled under the internal appeal procedure described below:

- Intention to cancel enrolment (see the Progress and Intervention Policy)
- A decision relating to a fee refund (see the Fees Policy)
- A decision made under the Student Code of Conduct or the Academic Integrity Policy
- A review of a mark or a grade (see the Assessment Policy).

Nexus Institute will acknowledge receipt of the complaint within five days and may, at its discretion, extend the time for lodging a complaint.

If further investigation is needed, further information or evidence may be requested and the student lodging the complaint and any party directly involved in the complaint may be contacted and asked to attend a meeting to discuss and clarify the issues relating to the grievance. If all parties to the complaint give their consent, a formal mediation session may be arranged.

Nexus Institute will advise the student and any party directly affected by the outcome, of the results of the investigation within twenty (20) working days. This advice will include reasons for the findings, details of remedial steps or actions which are to be taken to address the complaint and information on the right to appeal the outcome.

Stage 3 – Internal Appeal

A student can make an appeal against a decision if the student is not satisfied with the outcome of the formal complaint or if the decision relates to enrolment cancellation, refund request, academic integrity or misconduct, or a mark or grade, and the student believes that:

- there was insufficient opportunity to present their case to the decision-maker, or

- the decision was affected by discrimination, prejudice or bias, or
- the process was not carried out in accordance with Nexus Institute policy or procedures, or
- new information or evidence is available that has not been previously considered during the complaint process.

The request should explain the reason for the appeal based on the grounds listed above. The appeal will not be considered if the student simply disagrees with the outcome of a complaint.

An internal appeal must be lodged within ten (10) working days of the date of the decision or the outcome of the formal complaint. An Appeal Application Form including supporting evidence must be submitted to the Registrar.

Nexus Institute will acknowledge receipt of the appeal within five days and may, at its discretion, extend the time for lodging a complaint.

The appeal will be considered by the Appeals Committee of the Academic Board. The outcome will be communicated to the student within twenty (20) working days.

Stage 4 – External Appeal

Where the appellant is not satisfied with the outcome of the internal appeal, they may request that the matter be referred externally. The appellant has ten (10) working days from the date of the decision on the appeal to lodge an external appeal.

International Students. International students who wish to lodge an external appeal or complaint about the decision resulting from the above process can contact the Commonwealth Ombudsman. The Commonwealth 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 higher education provider. See the Commonwealth Ombudsman website <https://www.ombudsman.gov.au/complaints/international-student-complaints> or phone 1300 362 072 for more information.

The student and Nexus Institute will be bound by the decision of the ombudsman and such decisions are final and non-reviewable. While the parties attempt to resolve the matter, the student will continue to attend classes as normal unless the student has a reasonable concern about an imminent risk to their health and safety.

International and domestic students. Nexus Institute has provided for independent external reviewers to consider decisions on students' complaints or appeals and this option is available upon request to the Registrar. The request should detail the complaint, the process applied so far, the decision to be reviewed and grounds for an external review of the decision. Nexus Institute covers any reasonable cost to students using this service.

Australian Competition and Consumer Commission (ACCC). For complaints about breaches of the Competition and Consumer Act 2010, complaints can be made to the ACCC <https://www.accc.gov.au/>.

Complaints relating to fair trading matters such as products and services can be made with NSW Fair Trading on 13 32 20 http://www.fairtrading.nsw.gov.au/ftw/Consumers/Buying_services/Education_and_training.page.

Students studying with a higher education provider may contact the Tertiary Education Quality and Standards Agency (TEQSA) to complain about education quality issues <http://www.teqsa.gov.au/complaints>. TEQSA can only accept complaints about compliance with the TEQSA and ESOS Acts, the Higher Education Standards Framework and the National Code of Practice for Providers of Education and Training to Overseas Students 2018.

Further Action

The procedures set out in the Complaints and Appeals Policy do not replace or modify procedures or any other responsibilities which may arise under other policies or under statute or any other law. Nothing in this policy and procedure limits the rights of individuals to take action under Australia's Consumer Protection laws. Also, these procedures do not circumscribe an individual's rights to pursue other legal remedies.

If a grievance still remains unresolved after the external dispute resolution process, the complainant may decide to refer the matter to an external agency, as follows.

Complaint type	External body
Matters relating to competition and consumer legislation	Australian Competition and Consumer Commission (ACCC)
Discrimination, sexual harassment, victimisation, vilification	Australian Human Rights Commission NSW Anti-Discrimination Board
Complaints or allegations of non-compliance with the Higher Education Standards Framework, Education Services for Overseas Students Act, or the National Code of Practice for Providers of Education and Training to Overseas Students, academic quality and teaching, and issues relating to risks to students or to the quality and reputation of the higher education sector.	TEQSA https://www.teqsa.gov.au/complaints

Student conduct

Students must make complaints and appeals responsibly and must not seek to raise an issue for trivial or vexatious reasons. Nexus Institute will not tolerate unreasonable behaviour, exaggeration or dishonesty, unreasonable persistence after an investigation has closed, or unrealistic or disproportionate demands. Students are expected to provide serious reasons and factual evidence in support of a complaint or an appeal or request for review. Vexatious complainants are dealt with in accordance with the Student Code of Conduct.

Withdrawal of complaint or appeal

At any time during the process a complainant or appellant may withdraw a complaint or appeal by notice in writing to the complaint/appeal handler. Upon such withdrawal, consideration of the complaint or appeal will be discontinued.

Administrative Procedures

Records of all complaints and appeals will be kept for a period of seven years. These records will be strictly confidential and filed separately from student files.

6. Roles and Responsibilities

The Registrar is responsible for the management of this policy and for maintaining the Complaints and Appeals Register.

The Registrar is responsible for the collation and analysis of information about the type, causes and number of student complaints and appeals on an annual basis. An annual report on the results of this analysis is provided to the Academic Board and the Board of Directors.

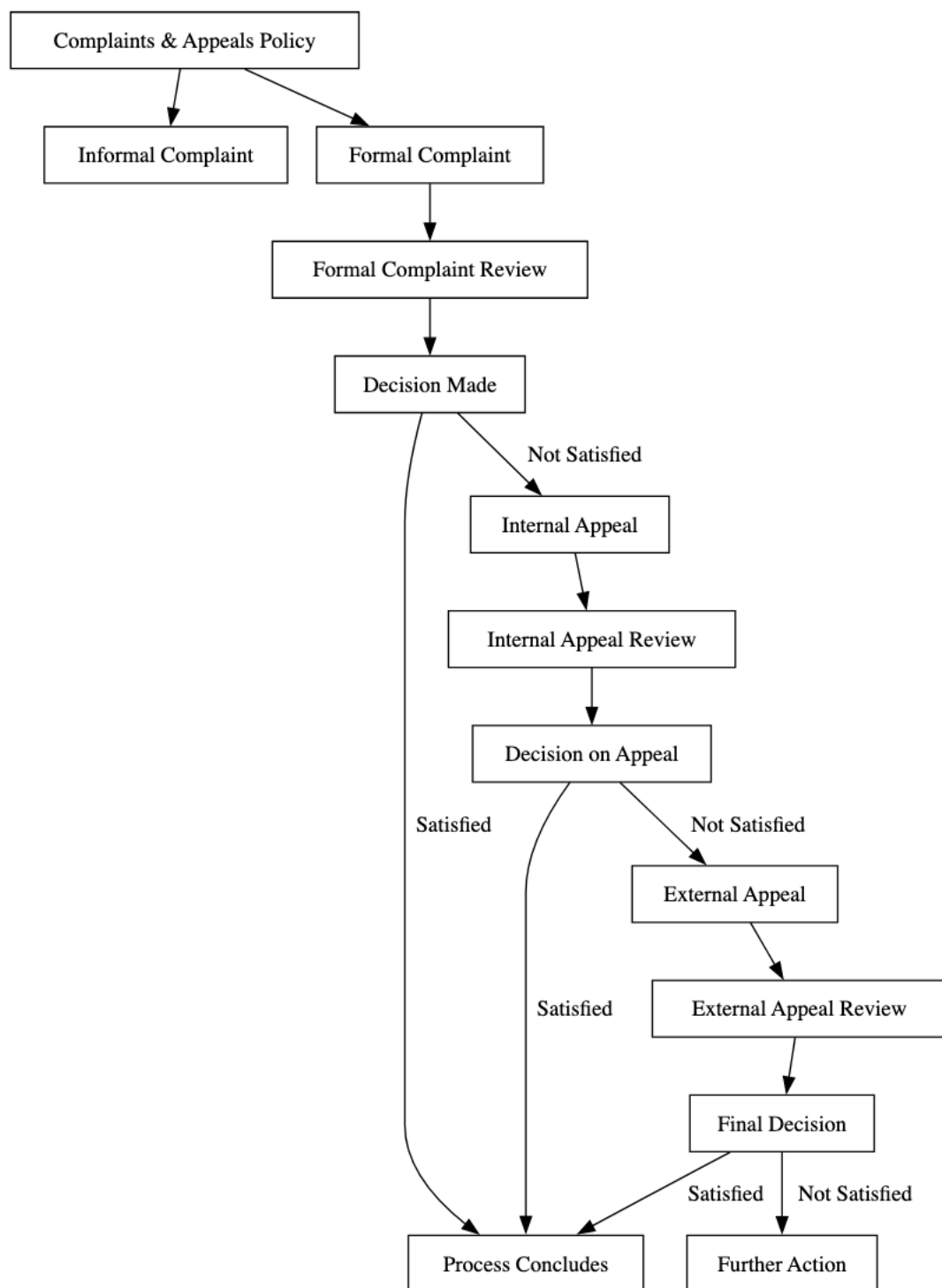
7. Related information

- Higher Education Standards Framework (Threshold Standards) 2021, Standard 2.4
- National Code of Practice for Providers of Education and Training to Overseas Students 2018, Standard 10.
- International student complaints
<https://www.ombudsman.gov.au/complaints/international-student-complaints>
- Anti-Discrimination NSW <https://antidiscrimination.nsw.gov.au/>
- Australian Human Rights Commission <https://humanrights.gov.au/complaints>

8. Document control

Category	Academic
HESF Standard	2.4
Policy name	Student Complaints and Appeals Policy
Policy owner	Registrar
Approved by	Board of Directors on the recommendation of the Academic Board
Date of approval	Academic Board 21 May 2025; Board of Directors 20 June 2025
Date of next review	1 November 2026
Change log	Version 0. Original version created on 27 September 2023.
	Version 1. Feedback from Academic Board incorporated on 6 Nov 23.
	Feedback from Board of Directors on confidentiality and recording in section 4 and Attachment 2 added on 15 December 2023.
	Version 1.2. Diagram in Attachment 1 added on 2 February 2024.
	Version 1.3 (9 May 2025). Expanded comment in Section 4 to state that If a formal complaint or appeal is upheld, any action required is initiated promptly (HESF 2.4.5)

Attachment 1: Flowchart of the complaints and appeals process



Attachment 2: Student Complaints and Appeals Register

For each formal complaint or appeal, the Register records the information in the following table.

Column of table	Options
Student name	
Date received	
Complaint type	Prospective student – application
	Prospective student – agent
	Current student – enrolment
	Current student – credit
	Current student – fees and refunds
	Current student – teaching
	Current student – special consideration
	Current student – assessment
	Current student – course progress
	Current student – course transfer
	Current student – intention to cancel enrolment
	Current student – misconduct
	Current student – other academic
	Current student – non-academic
	Past student
Complaint or appeal	If appeal, include reference to previous decision
Complexity	Minor or complex issue
Outcome sought by student	
Case manager	
Resolution	Dismissed
	Withdrawn
	Resolved
	Referred to another investigation
	Action taken: apology, mediation, remedy, new policy – add details
Sign-off	Original decision upheld
	Original decision amended
	Appeal successful
	Appeal withdrawn
Date of resolution	
Decision to appeal	Internal or external appeal – add reference to entry for the appeal
Result of appeal	