
Complaints and Appeals Procedure – International

Version:	5.0	Effective Date:	21 September 2016
Procedure Code:	PR-008	Related Policy Code:	INT-002
Related Policy Name:	Complaints and Appeals Policy - International		

Purpose:

This procedure identifies the processes in place at the College to effectively manage complaints of an academic nature, and is to be read in conjunction with the [Complaints and Appeals Policy – International](#). Students of the College or those seeking to enrol in a course of study with the College are entitled to access the Complaints and Appeals procedure set out below, regardless of the campus of the College at which the complaint has arisen, the student’s place of residence or the mode in which they study.

Definition of “College” – *In the higher education sector, ACPE Limited trades as The Australian College of Physical Education (ACPE); Australian College of Natural Medicine Pty Ltd trades as Endeavour College of Natural Health (Endeavour); Study Group Australia Pty Limited trades as Martin College and Martin Higher Education (Martin). For the purpose of this policy, any reference to ‘College’ or ‘the College’ should be considered a reference to each or any of these respective entities or trading names.*

Definition of “International students” – *The College defines an International Student as someone **who is not an** Australian citizen or permanent resident or a New Zealand citizen or a permanent visa holder. This definition includes students studying onshore on a range of temporary visas (working holiday visa, tourist visa, student visa etc) or offshore as an online student. Information that applies only to students studying on specific visa classes (e.g. Student Visa) is specified when relevant. It should be noted that all international students pay fees specified for international students, regardless of visa subclass.*

Scope:

- All campuses registered on the Commonwealth Register of

Institutions and Courses for Overseas Students (CRICOS)

- Academic staff
- Student Services staff
- All international students enrolled in a higher education course
- Recent international graduates of the College (for a period of 12 months after graduation)

Procedure:

This procedure sets out the steps that must be taken into account when managing international student complaints and appeals to ensure that the concern raised is addressed using the appropriate channels to facilitate an equitable, confidential and prompt resolution and that where necessary the procedure is compliant with the *National Code 2007*.

Continuous Improvement

Any improvement action arising from a student complaint or appeal will be recorded in accordance with the College's Continuous Improvement Process.

Review of Complaint

The following process details the four key stages through which a complaint may be dealt with. The College provides the following processes to allow the complaint to be formalised. The Claimant's privacy rights will be assured whilst also ensuring that victimisation and discrimination does not occur at any time during the entire process in regard to any complainant or respondent.

The Claimant has the right to be heard on the matter of the complaint at any stage and may be accompanied by a nominated support person, not being legal counsel or a solicitor, when meeting with the College to discuss their particular concern.

This procedure and related policy will be published on the College's website for the information of current and prospective students.

This procedure and associated policy is communicated to academic and general staff through the Staff Portal, The Source (Document Cloud) and Staff Handbooks. The Director, Student Services & Retention is responsible for the training of academic and support staff in the application of the policy.

Stage 1 – Informal Resolution Process

Claimants are encouraged to attempt to resolve the complaint informally and amicably at an early stage in the following ways by speaking directly with the person concerned such as the lecturer or tutor to resolve the problem.

If the Claimant cannot gain resolution or feels they cannot talk to the person involved, the Claimant may then seek assistance from the Head of Department / Program Leader or Senior Lecturer on campus (or nominated delegate). The Head of Department / Program Leader (or nominated delegate) will communicate with the student about the outcome and possible resolution. The communication and outcome will be recorded in the student's confidential records.

An alternative method to resolve a complaint informally is by lodging feedback via the Quality Feedback Monitor (QFM) which can be accessed via the student Portal. When submitting feedback via the QFM, students receive a response within three (3) working days. If the complaint is not resolved through informal procedures, students may initiate the College's Formal Complaints Process ([Stage 2](#)). All students have the right to lodge a formal complaint. A formal complaint must be lodged by a person who is directly impacted by the events described in the complaint. There is no cost to the Claimant for utilising the internal College complaints and appeals process.

Stage 2 – Formal Complaints Process

The formal complaints process begins when a current or prospective student states in writing that they have a complaint.

The Claimant should complete a [Formal Grievance Form](#) and submit this to the Director, Student Services & Retention via student administration. The Claimant should include a detailed description of the reason for their complaint and if available any documentary evidence.

The Claimant will receive acknowledgement of receipt of their complaint from the Director, Student Services & Retention within five (5) working days.

This acknowledgement will:

- Advise the Claimant of the process that will be followed, the timeframes that will be required and the steps the Claimant should undertake for this stage of the particular complaint, and
- Advise the Claimant of their rights of appeal.

The complaints resolution process will commence within 10 working days of the receipt of the form and all reasonable measures will be undertaken to finalise the process as soon as practicable. The Director, Student Services & Retention (or delegated nominee), will, if necessary, seek to clarify the outcome that the student hopes to achieve. The Director, Student Services & Retention (or delegated nominee) will investigate the complaint and interview anyone associated with the complaint to gain a full understanding of the issues in order to make a considered decision. Clarification may be sought from the student by a verbal or written request or by a face-to-face interview with the student. Both the Claimant and/or Respondent(s) may be accompanied and assisted by a nominated support person, not being legal counsel or a solicitor, if so desired.

The Director, Student Services & Retention (or nominated delegate) will provide a written decision to the Claimant and/or respondent within 20 working days of receipt of the formal complaint or as close to this timeframe as possible. The correspondence will outline the reasons for the decision and the name and contact details of the person to whom they can appeal if they are not satisfied with the decision. This timeframe is dependent on the requirement for re-assessment or provision of further evidence, and the Claimant shall be kept informed of any changes to the schedule.

The Director, Student Services & Retention (or nominated delegate) will also provide an internal report on the process for College records.

Stage 3 - Appealing the Original Decision

If the Claimant is dissatisfied with the outcome of the formal complaints process, they may lodge a further appeal detailing the reasons for the appeal to the Director, Student Services & Retention within 10 working days of being informed of the decision of the original complaint. The Director, Student Services & Retention is responsible for convening a formal Complaints Committee after review of the existing material provided.

Students who lodge an appeal must remain enrolled and attend all classes as normal until the process has been completed.

The Director, Student Services & Retention (or nominated delegate) will acknowledge receipt of the appeal in writing within 5 working days and may seek guidance from the relevant Director of Education (if related to an academic matter) who will review the previous documentation and advise if a Complaints or Decision Review Committee should be convened. If it is deemed appropriate, the Director, Student Services & Retention (or delegated nominee) will convene a session of the Complaints or Decision Review Committee and nominate a Chair within 10 working days of the appeal being

received.

The Complaints or Decision Review Committee members will be independent of the complaint and have relevant understanding or expertise. They will as soon as possible review the original decision and interview any persons related to the complaint. Students will be advised of any likely delays. If the Complaints or Decision Review Committee seeks clarification from the Claimant(s) or the Respondent(s) in the form of face-to-face interviews, both the Claimant(s) and/or Respondent(s) may be accompanied and assisted by a nominated support person, not being legal counsel or a solicitor, if so desired.

If the original decision is overturned, then the student's complaint is taken to be proven true and any further actions required to address the issue will be identified and implemented.

Regardless of whether the original decision is upheld or overturned, the Director, Student Services & Retention (or nominated delegate) will also provide a written report to the claimant and/or respondent advising the outcome of the appeal and further steps taken to address the complaint within 28 days of the receipt of the appeal.

The Director, Student Services & Retention (or nominated delegate) will also provide an internal report on the process for College records.

Composition of the Complaints or Decision Review Committee

Membership of the Complaints or Decision Review Committee will normally be 3-4 people and should include:

- A Chairperson, who must be an external member of the Academic Board (ACPE & Martin) / College Council (Endeavour);
- One member of the Academic Board;
- One member of the Academic staff (with relevant understanding or experience);
- A student representative (currently enrolled)
- One Minute Secretary – Director, Student Services & Retention.

The Complaints or Decision Review Committee is not a standing committee but is convened as and when required.

Stage 4 - External Independent Review

If the student wishes to proceed to Stage 4 then they need to respond within 10 days of receipt of the final decision to the Director, Student Services & Retention. The Director, Student Services & Retention will notify the student of their right to external appeal if they

are not satisfied with the outcome, and provide the contact details of the local external independent reviewer and the approximate costs of lodging an appeal. The application must be lodged within 28 days of receiving a written notice of the final internal outcome.

See external independent review sections in Parts B and C for external independent review options.

Part B

Note: This section only applies to student visa holders

External Independent Review

If the student is studying in Australia on a **student visa**, the Overseas Students Ombudsman will provide the external complaints and appeals mechanism. 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. See the Overseas Students Ombudsman website (www.oso.gov.au) or phone 1300 263 072 for more information.

Outcome of Complaints and Appeals Process

The College agrees to be bound by the independent external reviewer's recommendations. The Director, Student Services & Retention (or delegated nominee) will ensure that any recommendations made are implemented within 30 days of receipt of the external reviewer's report.

If a complaint remains unresolved after the external dispute resolution process, the student may decide to lodge a complaint with the relevant regulatory agency. For VET courses the regulatory agency is the Australian Skills Quality Authority (ASQA), for Higher Education courses the regulatory agency is the Tertiary Education Quality and Skills Authority (TEQSA).

Part C

Note: This section only applies to international students who are NOT studying on a student visa

External Independent Review

If the student wishes to lodge an external appeal or complaint against the outcome of the internal appeal process, they may contact the Administrative Appeals Tribunal (AAT) for an independent review. The AAT deals with complaints whereby an organisation fails to

follow its own complaints and or appeals policies and procedures. If the student believes that this has occurred they may contact the AAT for further information. The AAT will review the policies and procedures followed by the provider. Full details of the application process and fees payable are available on the AAT Registry's website: www.aat.gov.au.

Outcome of Complaints and Appeals Process

The College agrees to be bound by the independent external reviewer's recommendations. The Director, Student Services & Retention (or delegated nominee) will ensure that any recommendations made are implemented within 30 days of receipt of the external reviewer's report.

Should the outcome of the complaints and appeals process be in favour of the College, the College will implement any necessary action immediately. If the complaints and appeals process results in a decision that supports the student, the College will immediately implement any decision and/or corrective or preventative action. All outcomes will be communicated to students in writing.

If a complaint remains unresolved after the external dispute resolution process, the student may decide to lodge a complaint with the relevant regulatory agency. For Higher Education courses the regulatory agency is the Tertiary Education Quality and Skills Authority (TEQSA).

Definitions: **Academic matter** – a complaint about student academic progress, assessment, curriculum, the quality of course delivery, academic achievement in a course and awards in a course.

Appeal - An application to a higher authority for a decision to be reversed.

Claimant – refers to the person(s) who formally instigates a complaint or appeal.

Complaint – A statement that a situation is unsatisfactory.

Formal complaint – refers to the formal lodging of a written complaint or appeal.

Informal complaint – refers to a range of processes, such as discussion, a request or query lodged with an appropriate staff member.

Mediator – A person or body that intervenes between people in a

dispute in order to bring about an agreement, resolution and/or reconciliation. The mediator may be internal or external to the College. .

Natural justice – Natural justice refers to a due process that displays fairness to all parties. It includes the right to be heard, the right of reply, the right to be treated fairly and the right to be informed of allegation(s) being made.

Non-academic matter – a complaint about operational or administrative matters within the College, unfair treatment, abusive behaviours, concerns about facilities, environment and safety.

Respondent – refers to the person(s) or institution against whom the complaint is lodged.

Support Person – the student is entitled to be supported by another person, not legal counsel or a solicitor, being willing to support, whom the student appoints to assist at any stage of the process

Student – is an individual person who is formally enrolled to study at the College. The individual person is that who appears on the College's documents such as enrolment, admission and payment documents, and who is assigned an individual student ID.

Further Information:

Related Policies: [Complaints and Appeals Policy - International](#)

Related *Not applicable*

Procedures:

Related Not Applicable

Documents:

Guidelines: Not Applicable

Procedure Author:	National Higher Education Compliance Manager
Procedure Owner:	Director, Student Services & Retention
Contact:	Director, Student Services & Retention
Approval Body:	Executive Approval: Executive Director, Higher Education Date: 21 September 2016
Procedure Status:	Harmonised – new document relevant to all entities within the HE Division of SGA.
Responsibilities for Implementation:	National Compliance Manager Director, Student Services & Retention
Key Stakeholders:	Director, Student Services & Retention Director Student Services Team International Students