

## STUDENT GRIEVANCES AND APPEALS PROCEDURE

<b>Approving authority</b>	Executive Management Team (EMT)
<b>Purpose</b>	This procedure outlines the grounds on which students can have their complaints and appeals heard and outlines the processes and procedures to be followed for resolution.
<b>Responsible Officer</b>	Head of Student Services & Administration
<b>Next scheduled review</b>	June 2021
<b>Document Location</b>	<a href="http://www.ozford.edu.au/higher-education/policies-and-procedures/">http://www.ozford.edu.au/higher-education/policies-and-procedures/</a>
<b>Associated documents</b>	Academic Appeals Policy and Procedure Academic Integrity Policy and Procedure Academic Progress Policy and Procedure Assessment Policy and Procedure Credit Transfer & Articulation Policy and Procedure Deferring, Suspending or Cancelling a student's enrolment policy and Procedure Student Consultation Policy and Procedure Student Feedback Policy and Procedure Student Grievances and Appeals Policy Student Support and Services Policy and Procedure

### 1. PRINCIPLES

Ozford Institute of Higher Education (hereafter referred to as "the Institute") is committed to resolving student grievances/complaints and providing a formal mechanisms for students to appeals in a manner that both protects and respects the rights of both the Institute and the student.

The procedures for considering student complaints or appeals will be governed by the following principles:

- students who lodge an academic or administrative complaint or appeal have the right to due process and a fair hearing. Any staff member subject of the complaint or appeal equally has the right to due process and a fair hearing;
- student complaints or appeals will be treated in a serious, sensitive, confidential and timely manner and discussed only with those persons relevant to the case or who can provide specialist advice;
- staff involved in resolving student complaints or appeals will act fairly at all times and base their decisions on a thorough and unbiased consideration of facts and views expressed by all parties;
- a student must be able to invoke the complaints or appeals procedures without fear of reprisal, discrimination or victimisation;
- each complainant, and appellant can formally present his or her own case at minimum cost to themselves, and each party may be accompanied and assisted by any support person at any relevant meeting;
- provision for review by an independent third party is available if internal process fail to resolve a grievance or if students remains dissatisfied with an internal appeal outcome;
- the Institute will implement the complaints and appeals policy at no cost to the complainant or appellant.

### 2. SCOPE

This procedure covers all forms of student complaints and appeals in relation to the operations of the Institute that may include, but are not limited to the quality of the teaching administration, student support and services, actions of education agents or other service providers of the Institute, bullying, harassment, discrimination and any other areas of perceived inappropriate, unfair or discriminatory treatment, action or decision.

It does not apply to appeal by students against academic issues such as:

1. the outcome of a review of grade;
2. penalty for academic misconduct and plagiarism;
3. refusal of an application for course credit;
4. failure to maintain satisfactory academic progress.

Students wishing to appeal against any academic issue will be referred to the Academic Appeal Policy and Procedures.

### 3. DEFINITIONS

#### *ESOS National Code*

The ESOS National Code refers to the National Code of Practice for Providers of Education and Training to Overseas Students 2018 established under the Education Services for Overseas Students Act 2000.

#### *PRISMS*

Provider Registration and International Students Management System (PRISMS). It provides Australian education providers with the Confirmation-of-Enrolment (CoE) facilities required for compliance with the [Education Services for Overseas Students \(ESOS\) Legislation](#).

#### *TEQSA*

Tertiary Education Quality and Standards Agency

#### *Compassionate or Compelling circumstances*

Compassionate or compelling circumstances are generally those beyond the control of the student and which have an impact upon the student's course progress or wellbeing. These could include, but are not limited to:

- serious illness or injury, where a medical certificate states that the student was unable to attend classes;
- bereavement of close family members such as parents or grandparents;
- major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies;
- a traumatic experience that has impacted on the student which could include involvement in, or witnessing of a serious accident; and witnessing or being the victim of a serious crime, supported by police or psychologist's reports; or
- where the Institute was unable to offer a pre-requisite unit.

### 4. PROCEDURES

4.1 Students are advised of the Institute's complaints and appeals policy and procedures by the following means:

- within the Student Acceptance Agreement and Student Handbook;
- on the Institute website;
- within the information provided by student services;
- by publication, from time to time, of bulletins and notices.

#### *Informal Grievances/Complaints*

4.2 Any student with a question or concern may raise the matter with the relevant staff of the Institute.

4.3 Student services staff members are the first point of call for students who may want to make a complaint or lodge an appeal or simply wish to discuss their options on any matters of concern.

4.4 A student making a complaint or appeal must clearly identify the issue, provide all available information in support of their case, decide on desired outcomes and cooperate with the investigation of the complaint or appeal. In the process both the student and staff must be treated with courtesy and respect.

4.5 The Institute will attempt an informal resolution based on principles of mediation and negotiation.

4.6 To ensure all issues and grievances are being addressed by the appropriate person, with student consent, student services may raise the issue with the relevant staff members and attempt a resolution.

4.7 Questions or complaint or appeals dealt with in this way do not become part of the formal complaint or appeal process and will not be documented, recorded or reported on unless the Institute staff member involved determines that the issue question or complaint or appeal was relevant to the wider operation of the Institute as it identifies potential areas of risk or improvement.

#### *Internal Grievances/Complaints and Appeal*

4.8 Students who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint or internal appeal, may do so by filling in the relevant forms and submit to the Institute.

- Student Internal Complaints Form
- Student Internal Appeals Form



- 4.9 Should the appeal relate to the Institute's intention to suspend or cancel the enrolment of an international student, the student must lodge an appeal within 20 working days of receiving the notification of intention from the Institute.
- 4.10 Students are encouraged to seek the support and assistance of the Institute's student services staff as part of this process.
- 4.11 A meeting will be organised for students and the Academic Dean or delegate (or Vice-President if the HOSSA / Academic Dean is an involved party) to hear the complaint/appeal.
- 4.12 Each complainant, and appellant can formally present his or her own case, and each party may be accompanied and assisted by a support person at any relevant meeting.
- 4.13 If requested by the student, the HOSSA or any other student support staff may accompany students in any formal complaint or internal appeal hearing. In this situation they are in attendance as advisors, not as advocates and to ensure all students receive professional, fair and equitable treatment at the Institute.
- 4.14 The Academic Dean will respond and attempt to resolve the complaint or appeal with the student and any other parties who may be involved. The resolution phase must commence within 10 working days of the complaint or appeal being lodged in writing.
- 4.15 A maximum time of 20 working days from the commencement of the resolution phase will be allowed for the resolution unless an extension of time is required of which all parties will be informed in writing.
- 4.16 At the end of the resolution phase the Academic Dean will report the outcome of the complaints/appeal, including the reasons for the outcome to the student in writing and a copy is placed in the student's file.
- 4.17 Substantiated complaints or appeals will be redressed appropriately according to the nature, severity and complexity of the complaint. Remedies may include:
- an apology;
  - reversal of the initial decision that gave rise to the complaint or appeal;
  - correction of any misleading information or incorrect records;
  - a change of Institute policy, procedures and practice.
- 4.18 If the outcome of an internal appeal by an international student against the Institute's decision to suspend or cancel the student's enrolment is unfavourable to the student, then the Institute will provide the student with the opportunity to access the external process appeal within a set time frame (10 working days).
- 4.19 In cases where the matter is related to unsatisfactory course progress and students do not access the internal or external appeal within the set time frame or withdraws from the appeal process, the Institute will report the student to the Department of Home Affairs via PRISMS. In cases where students access both the internal and external appeal concerning unsatisfactory academic course progress, the Institute needs to await the outcome of the external appeals process before notifying the Government through PRISMS.
- 4.20 There are no further avenues internally within the Institute for appeals after the internal appeals process has been completed.

#### *External Appeals*

- 4.21 If all the above internal procedures have been followed and student is still not satisfied with the outcome, the Institute will advise the student that they have the right to access an external complaints/appeal process by contacting the nominated independent third parties below within 10 working days for a review. Students will be advised that the purpose of the external process is to consider whether the Institute has followed its policies and procedures, rather than make a decision in place of the Institute.

#### ***For overseas students on student visa***

OVERSEAS STUDENT OMBUDSMAN (OSO)

Level 6, 34 Queen Street

Melbourne Victoria 3000

Phone: 1300 362 072

Website: <http://www.ombudsman.gov.au/making-a-complaint/overseas-students>

The OSO is a free service.



### ***For domestic Australian students***

Resolution Institute

Phone: 02 9251 3366

Address: Level 1, 13 -15 Bridge St, SYDNEY 2000

Website: <https://www.resolution.Institute/contactus>

Students are required to pay \$192.50 to the Resolution Institute to submit an external review. However if the result of the external appeal is in favour of the student all costs imposed will be reimbursed/paid by the Institute within 10 working days following the receipt of a request for reimbursement or provision of original or certified/verified copy of the invoice.

No other costs incurred by the appellant will be reimbursed.

- 4.22 The external appeals procedure is determined by the nominated independent third party who is external to the Institute and all parties will be notified by them of the required steps, actions and outcomes.
- 4.23 The Institute must provide all requested documentation to the external independent third party and comply with all steps and directions of the external independent third party in the process of the review.
- 4.24 The Institute will maintain the student enrolment whilst the external appeal is in progress if the matter is related to unsatisfactory course progress.
- 4.25 When an external process has been completed, the Institute will immediately implement any decision or recommendation, and or corrective /preventative action (if applicable) required by the outcomes of the external process. The student will be advised in writing of this outcome of the external process.
- 4.26 Nothing in this procedure inhibits student’s rights to take action under the Australian Consumer Law or pursue other legal remedies. Students wishing to take this course of action are advised to contact a solicitor, or contact the Law Institute of Victoria, 470 Bourke St Melbourne 3000, or telephone 9602 5000 for a referral to a solicitor.

### *Review and Improvement*

- 4.27 A collective record of student complaints will be kept. Complaints register will be monitored and analysis report to be presented to the Executive Management Team as needed.
- 4.28 Patterns of recurring complaints relating to a particular issues or processed will be brought to the attention of EMT to discuss and implement corrective action and improvement plan.

## **5 QUALITY ASSURANCE**

To ensure that this procedure is fit for purpose and meet the requirements of the HES Threshold Standards the procedure will be:

- 5.1 internally approved by the Executive Management Team on development or review
- 5.2 externally reviewed as part of any independent review of the HES Threshold Standards approved by the Governing Board;
- 5.3 internally reviewed by the Responsible Officer every three years from the date of approval (if not earlier).
- 5.4 referenced to the applicable HES threshold Standard and/or other legislation/regulation.

## **6 FEEDBACK**

Feedback or comments on this procedure is welcomed by the listed Responsible officers of the Institute.

## **7 VERSION CONTROL**

Version	Date approved	Description	Approved by
2.0	May 2017	Initial issue	AB
3.0	June 2018	Change to National Code 2018	EMT
4.0	May 2019	Internal Review	EMT
Related legislation/ regulation/standard	HES Threshold Standards (2015) 2.4 (Student Grievances and Complaints) ESOS National Code 2018 Standard 10		