

Student Complaints and Appeals Policy and Procedure

Document Owner	Chief Executive Officer		
Responsible Officer	Executive Principal		
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Related Documents	<i>Academic Integrity Policy and Procedure</i> <i>Fraud and Corruption Control Policy and Procedure</i> <i>Legislative and Regulatory Compliance</i> <i>National Code</i> <i>Compliance Privacy Policy</i> <i>Records Management Policy and Procedure</i> <i>Student Code of Conduct</i> <i>Student Misconduct Procedure</i> <i>Work Health and Safety Policy and Procedure</i>		
Version	Authorised by	Approved	Effective Date
2.0	Chief Executive Officer	18/10/2019	1/01/2020

1. Context

It is the policy of the Australian College of Business Intelligence (ACBI) to ensure students study in a friendly environment, free from any forms of coercion, unfair treatment, victimisation, harassment or bullying. All complaints and grievances, whether caused by a fellow student or staff member, will be handled professionally and confidentially with the aim of achieving a satisfactory resolution as soon as possible.

2. Definitions

Appeal	A formal request by a student to review and change a decision made by ACBI on a case to which they were a party.
Complaint	An expression of dissatisfaction made to ACBI in relation to its operations for which a resolution has not been reached in first instance and where a response or specific action from ACBI is expected or required. A complaint is considered informal during preliminary discussions with ACBI and becomes formal when early resolution mechanisms have failed.
ESOS Act	Formally known as the Education Services for Overseas Students Act 2000 and regulates providers who deliver courses to overseas students
ESOS Framework	Protects the rights of international students who study in Australia based on the ESOS Act, ESOS Regulations, Registration Charges and National Code

Grievance	Any concern, difficulty or problem that a student or staff member has concerning their studies, the learning environment or any member of the Institute
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National Code 2018	This document sets out the national standards and procedures for registered providers providing education and training to overseas students.
Overseas Student	A person (whether within or outside Australia) who holds a student visa as required by the ESOS Act

3. Scope

This Policy and Procedure applies to ACBI staff, affiliates, current students or people who have completed an application to enrol as a student (included wherever “students” are referred to in this Policy and Procedure).

4. Responsibilities and Authorities

The Chief Executive Officer has the responsibility for ensuring that all policies and procedures are made available for use by the staff and where appropriate, the students either by reference in hard copy or via the company website.

All students will have access to this Policy and Procedure before they enroll and during their enrolment via the College website.

Managers and other designated staff are responsible for responding to complaints in a timely, professional, and respectful manner. They also have the responsibility for ensuring that the staff and students involved in the complaint resolution processes understand their rights and responsibilities in relation to this Policy.

The Executive Principal in charge of the complaints and appeals process is responsible for documenting all actions and outcomes in a Complaints and Grievances Form (paper or digital).

This Policy and Procedure does not limit the rights of students to take action under Australia's Consumer Protection laws. Also, ACBI's dispute resolution procedures do not circumscribe student's rights to pursue other legal remedies.

5. Complaints and Appeals Procedure

ACBI will always adhere to the *National Code of Good Practice for Responding to Complaints about Vocational Education and Training Quality*.

Resolving a complaint by ACBI staff must start within ten days of the complaint being lodged and will be at no cost to the complainant. The complainant will have their enrolment maintained during the complaint and appeal process.

Where verbal complaints are heard, they can be discussed with staff and preferably resolved. If there is a need to formalise the issue or to define the outcome, then the complaint can be documented on either the Student Management System, Complaints and Grievances Form or a Continuous Improvement Request, either by the person initiating the complaint or by a relevant member of staff.

All complainants must be identified. They cannot be anonymous because this is considered unfair and ongoing discussion cannot take place to resolve the issue. Information submitted to a staff member is to be treated with respect and to be taken in a positive way.

ACBI has four steps to cater for any complaints or appeals:

- Step 1 – Informal Internal Complaint
- Step 2 – Formal Internal Complaint
- Step 3 – Formal Internal Appeal
- Step 4 – Formal External Appeal

5.1 Informal Internal Complaint

Step 1 – Informal Internal Complaint	
We encourage students to first attempt to resolve a complaint informally by directly talking to the appropriate staff member or student to whom the complaint or issue relates to. If the complaint cannot be resolved informally, students can consider lodging a formal Internal Complaint (refer to Step 2)	
Academic Complaints	This refers to any complaints that relate to learning, teaching or assessment issues. The College encourages students to discuss and try to resolve the issue with the relevant Trainer / Assessor or the Academic Support Officer, who can be contacted via email academics@acbi.edu.au
Administrative Complaints	This refers to any complaints that relate to the general management of ACBI. The College encourages students to discuss and try to resolve the issue with the relevant staff member or the Student Support Officer, who can be contacted via email academics@acbi.edu.au .
Personal or Welfare Complaints	This refers to any complaints that relate to your security, safety and well-being within the College. The College encourages students to discuss and try to resolve the issue with the Student Support Officer, who can be contacted via email academics@acbi.edu.au However, issues that relate to someone’s immediate safety and security, please see any staff member or security guard for assistance.
Misconduct Complaints	This refers to any complaints that relate to inappropriate misconduct or behaviour of a student or staff member. The College encourages students to discuss and try to resolve the issue with the individual or the Student Support Officer, who can be contacted via email academics@acbi.edu.au

When staff can resolve the issue, they should:

- a. enter brief information in the student data management system; and
- b. also fill out a *Complaint Resolution Form* – a copy of this is given to the student

If the student cannot resolve the complaint informally as noted above, or the student prefers to have the complaint addressed formally, they can raise a formal internal complaint as outlined in Step 2 below.

5.2 Formal Internal Complaint

Step 2 – Formal Internal Complaint	
Your role in submitting a formal internal complaint:	<ol style="list-style-type: none"> 1. The student should lodge a formal complaint within 10 working days of the appearance of the issue or last meeting where the student and ACBI failed to reach an informal resolution on the matter. 2. Your complaint must be in written form through a <i>Complaints and Grievances Form</i> which can be downloaded online or collected from reception. Ensure that the complaint is detailed and attach documentation that supports your complaint. 3. Send your completed form to the Executive Principal studentsupport@acbi.edu.au
ACBI's role in response to your formal internal complaint:	<ol style="list-style-type: none"> 4. The College will commence investigating your formal internal complaint within 5 days of receiving the <i>Complaints and Grievances Form</i>. 5. You will have the opportunity to discuss your complaint in a formal meeting with the Executive Principal. You are able to bring a support person with you. 6. If the complaint involves another person, they will also be given an opportunity to provide a response to your complaint against them. 7. You will receive a written notice of any decision made within 10 days of ACBI receiving the <i>Complaints and Grievances Form</i>. The outcome will be documented within a <i>Complaint Resolution Form</i>. 8. All information relating to the formal internal complaint is to be lodged within the Student Management System. 9. If a complaint by a student is substantiated, this must be recorded on a <i>Continuous Improvement Request</i> and submitted to the Chief Executive Officer for registration and action. <p>All complaints should be regarded as feedback and helpful to us to improve our systems.</p>

If a student is dissatisfied with the decisions made in response to a formal internal complaint, the student can lodge a Formal Internal Appeal. Consider step 3 below.

5.3 Formal Internal Appeal

Step 3 – Formal Internal Appeal	
Your role in submitting a formal internal appeal:	<ol style="list-style-type: none">1. Students wishing to lodge an appeal with regards to any decision made by ACBI should do so within 20 working days of receipt of ACBI's decision.2. The student must lodge the appeal in writing to the Executive Principal via email studentsupport@acbi.edu.au. <p>The student should provide the following information:</p> <ul style="list-style-type: none">• nature and grounds for the appeal;• copies of written communications, or summary of discussions, with ACBI staff that took place with regards to the matter (if applicable);• date of the initial decision;• outcomes of the informal complaint process (if applicable);• why the matter was not resolved to his or her satisfaction (if applicable); and• evidence that supports the appeal (where available), which may include new evidence.

ACBI's role in assessing your formal internal appeal

3. ACBI will acknowledge receipt of the appeal and assessment of the appeal will commence no later than 10 working days after reception of the appeal.
4. The Executive Principal Chief Executive Officer will designate another member of staff who has not had prior involvement in the case to assist with the investigation and gather relevant evidence from ACBI's records.

Assessment Appeals:

Appeals regarding assessment outcomes will require the Academic Support Officer to gather information regarding the student's:

- Past Student record
- Attendance registers
- Assessment tools and assessment data
- Any other supporting documents

On the advice of the DOS, an independent assessor may be invited to review the assessment outcome and provide a determination.

5. The Executive Principal establishes an Appeals Committee to review the findings of the investigation and decide on the case. The Appeals Committee will comprise two members of the Management Team who have not had prior involvement in the case.

The Appeals Committee or any staff designated to be involved in the investigation may consult with:

- relevant academic and corporate staff, as well as students of ACBI, on matters pertaining to the case; and
- request the student to meet with the Appeals Committee in person or via teleconference to discuss the case.

ACBI's role in responding to your formal internal appeal

6. ACBI will respond to the student in writing as soon as is reasonably practicable but not later than 10 working days after receipt of the student's appeal. The response will provide the following information:
 - a) outcome of the review, including any remedies and recommendations, and whether the decision:
 - confirms the original decision;
 - varies the original decision, stating the details of the variance; or
 - sets the decision aside and substitute a new decision, stating the new decision;
 - b) reasons supporting the decision, including any relevant findings from the investigation;
 - c) options for appealing the decision; and
 - d) a copy of this Procedure and the associated Policy.
7. Any recommended disciplinary action relating to misconduct must be referred to the Chief Executive Officer for approval. If the student is satisfied with the response to the complaint, ACBI will immediately implement any actions arising from the response. The Procedure is closed once the student is advised of the completion of the actions arising from the response.

If the student is dissatisfied with the response to the appeal, he or she may lodge an appeal with an independent third party.

8. If an appeal by a student is upheld, this must be recorded on a *Continuous Improvement Request* and submitted to the Chief Executive Officer for registration and action.

Students should note:

In most cases, the purpose of the external appeals process

will be to consider whether ACBI has followed its policies and procedures in

conducting the internal complaints and appeals process.

Overseas students should note that, except for unsatisfactory progress, ACBI is obliged to notify the Department of Education and Training and the Department of Home Affairs of any suspension, deferral or cancellation of their enrolment regardless of any pending external appeals process.

AIBI HE will report an overseas student in PRISMS for unsatisfactory progress after:

- the overseas student has chosen not to access the internal complaints and appeals process within 20 working days;
- the overseas student has chosen not to access the external complaints and appeals process; or

the overseas student withdraws from the internal or external appeals process by notifying AIBI HE in writing.

If a student is dissatisfied with the outcome of a formal internal appeal, the student can lodge a Formal External Appeal. Consider step 4 below.

5.4 Formal External Appeal

Step 4 – Formal External Appeal	
Students may complain to ASQA	<p>The Australian Skills Quality Authority (ASQA) only deals with complaints about:</p> <ul style="list-style-type: none">○ The information provided to the student by an RTO about the course/s they are interested in;○ Delivery and assessment of the training the student has received; and○ The qualifications the student has or have not been issued <p>To make a complaint, students are to complete the ASQA Online Complaint form located on the ASQA website http://www.asqa.gov.au/</p> <p>Students who decide to access this service, are encouraged to notify ACBI's Executive Principal via email studentsupport@acbi.edu.au.</p> <p>Staff are to provide assistance to students during the complaint handling process.</p>
Overseas students may complain to the Office of the Commonwealth Ombudsman.	<p>Overseas students may lodge a formal external appeal regarding non-academic matters or decisions taken by ACBI with the Office of the Commonwealth Ombudsman. Administrative actions and decisions include:</p>

- refusing admission to a program;
- fees and refunds;
- course or provider transfers;
- cancellation of enrolment;
- incorrect advice given by an education agent; and
- failure to act or taking too long to take some action, like not providing your results in the normal timeframe, or not providing services included in your written agreement with the provider.

The Office of the Commonwealth Ombudsman offers a free, independent and impartial Australian government service for overseas students. For further details, including online complaint process, refer to the website of the [Office of the Commonwealth Ombudsman](#). Students who decide to access this service, are encouraged to notify ACBI's Executive Principal via email studentsupport@acbi.edu.au.

Students should be advised that once students engage in a formal external appeal, the College may be obligated to release a student's private and/or personal information. By seeking formal external appeal procedures, the student has therefore consented to this disclosure of information.

6. Unsatisfactory Course Progress / Attendance

If a student is facing unsatisfactory course progression or attendance, the College is obligated to report this student to the Department of Home Affairs (DHA). Once a student is reported, this may impact their visa and they should seek DHA's advice on new visa requirements. The College will follow this process:

1. A student will receive a written notification informing them about an *Intention to Report* and will be given 20 working days to access the College's internal formal appeal process (refer to 5.4).
2. The 20 working days will start from the day the student has received this written notification.
3. If a student fails to access the College's internal formal appeal process within the given 20 working days, then the College will report the student without further notice.
4. However, if a student has responded through the College's internal formal appeal process, the College will continue the student's enrolment until a thorough completion of the College's complaints and appeals process.

7. Cancellation or Suspension of Student's Enrolment

If a student has failed to pay their fees or other monies or has engaged in 8isbehavior, then the

College has the right to either cancel or suspend a student's enrolment. The College will take the following steps to cancel or suspend a student's enrolment:

1. A student will be issued a written notification regarding the College's proposed cancellation or suspension of the student's enrolment. From the day this is issued, the student is given 20 working days to lodge a formal internal complaint.
2. If a student fails to lodge a formal internal complaint within the 20 working days, the College is entitled to cancel or suspend the student's enrolment without further notice.
3. Nonetheless, if a student has lodged a formal internal complaint, the College will continue the student's enrolment until the complaint has been reviewed and a decision has been taken and communicated to the students.

Document History:

Version	Date	Author	Reason	Sections
1.0	01/02/15		Initial Release	All
1.1	28/03/15		Update includes appeal process updates	
1.2	22/05/15		Revised for CRICOS audit rectification, complaint escalation and third party	
1.3	31/01/18		Revised based on changes on national code	
1.4	23/05/19		Revised Policies	
1.5	11/09/19	Deirdre D'Souza	Changed title and amended formatting	
1.6	25/09/2019	Stephen Andrews	Reviewed and amended for clarity and consistency.	All
1.7	1/10/2019	Stephen Andrews & Laura Mao	Draft reviewed, revised and finalised in response to Management Team feedback.	All
1.8	7/10/2019	Julien Marechal	Alignment with Delegations Policy and Register	Section 5.3
2.0	18/10/2019	-	CEO approval	All