



Complaints and Appeals

Policy & Procedure

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Complaints and Appeals



International Institute of Business and Information Technology (IIBIT)

1. Purpose

- 1.1 The purpose of this policy is to formalise enactment of compliance by the International Institute of Business and Information Technology (IIBIT) with the legislative and regulatory framework applicable to providers of international education services in Australia.
- 1.2 This policy specifically addresses the requirements of Standards 6 and 8 of the revised National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (National Code 2007) regarding provision of an appropriate internal complaints handling and appeals process and Standard 5,6 and 8 for Registered Training Organizations (RTOs) 2015 regarding access, equity and optimization of outcomes for students, establishment of management systems responsive to the needs of clients, staff, stakeholders and context, together with compliance with legislation.

2. Scope

This policy and procedure relates to all overseas students studying with IIBIT on a Student visa and to all IIBIT staff interacting with such students on issues related to appeals and complaints.

3. Responsibility

Campus manager and general manager (Resources) as applicable, under the general direction of the Chief Executive Officer / Director Operations.

4. Definitions

- 4.1 **'At Risk' Student:** An 'At Risk' student is a student who for any reason, is considered as not, or potentially not, meeting program or course progression requirements.
- 4.2 **Appeal:** Means an escalation step which may be open to a Student if the Student is dissatisfied with an adverse decision, or perceives an adverse outcome, and an Appeal may be an Internal Appeal or an External Appeal.
- 4.3 **CoE:** Confirmation of Enrolment.
- 4.4 **Complaint:** An expression of dissatisfaction with behaviour or action of another which has an unreasonable negative impact on the Student in relation to their access to or enjoyment of the benefits of the Institute.

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- 4.5 DIBP:** Department of Immigration and Border Protection
- 4.6 DE:** Department of Education
- 4.7 External Appeal:** An appeal to an external Agency against a Final Decision of the IIBIT.
- 4.8 Formal Complaint:** Means a Formal Complaint managed under the Student Complaint Guidelines.
- 4.9 IIBIT:** International Institute of Business and Information Technology
- 4.10 Internal Appeal:** An appeal against a decision where the appeal is brought under IIBIT Legislation or where there is a process for appeal within other IIBIT Procedures.
- 4.11 International Student:** A person holding an Australian student visa, enrolled in a CRICOS registered course, at IIBIT or its Partner Providers, on shore. Students on other classes of visa are not included.
- 4.12 Intervention Strategy:** Any documented action targeted at addressing the needs of an 'at risk' student.
- 4.13 OSO:** Overseas Students Ombudsman
- 4.14 PRISMS:** Provider Registration and International Student Management System
- 4.15 Privacy:** Means information protected under the Information Privacy Act 1988 (Privacy Act) in accordance with the IIBIT's Privacy Policy.
- 4.16 Staff:** Any person who is an employee of the IIBIT at the time of the Complaint and this includes full-time, part-time, sessional or casual Staff.
- 4.17 Student:** Any person enrolled as a student of IIBIT. This includes full-time, part-time, block-mode or distance.
- 4.18 ESOS Act 2000:** The Education Services for Overseas Students Act 2000 of the Commonwealth of Australia, as amended from time to time.
- 4.19 National Code 2007:** The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007.
- 4.20 NVR:** National Vocational Education and Training Regulator Act 2011
- 4.21 SRTO:** Standards for Registered Training Organisations (RTOs) 2015

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5. Policy

- 5.1 IIBIT believes that students are entitled to have access to effective systems for handling any complaints that might arise during the course of their studies as a way of ensuring the highest possible academic and service standards.
- 5.2 IIBIT espouses an internal appeal process that is independent, easily and immediately accessible and inexpensive for the parties involved.
- 5.3 Any complaint will be treated seriously, sensitively and impartially and the student should be confident that there will be no negative consequences as the complaint will be fairly investigated. The procedures followed will be seen as fair by everyone involved.
- 5.4 Confidentiality will be strictly observed by all participants and at all stages of the Complaints and Appeals Procedure.
- 5.5 IIBIT will maintain the student's enrolment while the appeals process is ongoing.
- 5.6 IIBIT has arrangements in place for an independent external person or organisation to hear the appeal where the provider's internal process has been completed and the student remains dissatisfied.
- 5.7 Students will have immediate access to the appeals process, which will begin within 10 working days of the formal lodgement of the appeal.
- 5.8 IIBIT's documented internal appeals process includes provision of a written statement of the outcome, including details and reasons for the decision.
- 5.9 If the outcome of a student's appeal through a provider's internal or external appeals handling process is favourable to the student, IIBIT will immediately advise the student of this and implement any decision and /or corrective and preventive action required.

6. Procedure

6.1 Official Complaints Lodgement

- a) The Complaints and Appeals Procedure comprises a number of stages. The nature of complaints can be about the delivery and quality of services, which includes but is not limited to teaching and /or any other matter relating to the experience of being a student of IIBIT.

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- b) During orientation each student will be advised orally and in writing of the Complaints and Appeals Policy and Procedure including the name of the Campus Manager and where s/he can be located on the campus. A student with a complaint should contact the Campus Manager / Academic Coordinator.
- c) Complaints will be heard and addressed through the internal complaints handling processes as quickly as possible. The student's enrolment will be maintained while the internal process is occurring. If the student is dissatisfied after all internal complaint handling processes have been completed, s/he can appeal and seek an external case review.
- d) The student's enrolment may not have to be maintained while the external review process is occurring. This is dependent on the nature of the complaint.
- e) Confidentiality will be strictly observed by all IIBIT staff and at all stages of the Complaints and Appeals Procedure.

6.2 Making a formal complaint

- a) If the student has attempted to resolve matters informally but is not satisfied with the outcome, s/he may wish to make a formal complaint. To commence that process, the student must do so in writing to the Campus Manager giving the details of the complaint along with any supporting information that the student wishes to be considered as part of the complaint:
- b) An explanation of the steps already taken to try to resolve the complaint informally and why the responses received are not considered satisfactory and that the student thinks needs to be done to address his / her concerns.
- c) The Campus Manager will commence the process of considering the complaint within 10 working days of receiving the written complaint submitted.

6.3 Investigating a Complaint

- a) After reviewing the complaint, the Campus Manager will arrange a meeting with the student to enable him / her to formally present his / her case. The student may be accompanied or assisted by a support person at any relevant meeting.
- b) The complaint will be investigated by the Campus Manager, (who will discuss the student's issues with the staff member / service concerned and may refer it to the relevant Course Coordinator or General Manager for resolution). If the Campus Manager and Course Coordinator/General Manger consider the complaint is justified, the appropriate IIBIT staff member will be notified immediately to implement the decision or

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action required and the student will be provided with a written explanation. Whether the complaint is upheld or not upheld, the student will be given a written explanation citing the reasons for that decision.

- c) The Campus Manager will take all reasonable measures to finalise the complaints process as soon as practicable.
- d) The Campus Manager will also advise the Student Service to retain a written record of the complaint and its outcome in the student personal file for future reference.
- e) A copy of all related documentation including a statement of findings demonstrating the reasons behind the decisions made at each stage of the complaint and appeal(s) process will be retained on the student's file.

6.4 Internal Appeals Process

- a) If a student is dissatisfied with a decision made by IIBIT, s / he has 20 working days from the date of issuance of the written notification by IIBIT in which to lodge an internal appeal to have the case reviewed. This includes decisions relating to complaint outcomes and assessment appeals as well as notifications of unsatisfactory course progress, unsatisfactory attendance, misbehaviour, and / or impending cancellation of enrolment by IIBIT.
- b) The student's decision to appeal will be considered by the Campus Manager who may decide:
 - i. to establish a Case Review Panel; and
 - ii. that there are insufficient grounds to take further action thus concluding the consideration of the matter under these internal procedures.
- c) The student will be advised in writing of this decision and the reasons for it. If the decision is for a Case Review, the student will be informed of the Case Review and the procedure to be followed at least 14 days in advance of the review date.
- d) The Case Review team will consist of the Campus Manager, Course Coordinator and another senior member of IIBIT staff excluding the student's immediate teacher.
- e) The review will be conducted in private and all relevant facts will be taken into consideration. The student may present his/her case in person to the Case Review team and may be accompanied by a friend or representative who may speak and act on his / her behalf, including providing supporting evidence. If the complaint involves a member of staff s / he will also be invited to present his / her case to the team. A staff member from a department not involved in the complaint will be appointed to take a written record of the meeting.

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- f) The student will be notified of the decision of the Case Review team in writing. If the complaint is upheld s / he will be informed of the action to be taken to resolve the matter. If it is not upheld, then s /he will be given a written explanation of the reasons for that decision.

6.5 External Appeals Process

- a) In the event of the student remaining dissatisfied with the result or conduct of the IIBIT’s internal procedures for handling of the complaint, the student will then be advised by the designated officer of his / her right to request mediation externally by contacting the Overseas Students Ombudsman (OSO).
- b) The contact details for OSO in NSW and nationally are as follows:

| Body | Overseas Students Ombudsman (OSO) |
|----------------------------|---|
| Address | Level 24, 580 George Street (HSBC Centre) SYDNEY NSW 2000 GPO Box 442 Canberra ACT 2601 |
| Business Hours | Monday to Friday 9am - 5pm |
| Phone Number (NSW) | 02 9286 1000 Complaint enquiries 9am - 4pm Monday to Friday |
| Toll free (Outside Sydney) | 1800 451 524 |
| Phone (Within Australia) | 1300 362 072 (Enquiries 9am - 5pm Monday to Friday (AEDT)) |
| Phone (Outside Australia) | +61 2 6276 0111 |
| Fax Number (NSW) | 02 9283 2911 |
| Fax Number (National) | 02 6276 0123 |
| Email (NSW) | nswombo@ombo.nsw.gov.au |
| Email (National) | overseas.students@ombudsman.gov.au |
| Website (NSW) | www.ombo.nsw.gov.au |
| Website (National) | www.oso.gov.au |
| What they do | The Overseas Students Ombudsman (OSO) investigates complaints about problems that overseas students have with private education and training in Australia including but not limited to providing information about best practice complaints handling to help private education providers manage internal complaints effectively. The Ombudsman’s services are free, independent and impartial – the Ombudsman does not take sides. This service is at no cost to the student. |



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- c) If the external review process supports the complaint, IIBIT will immediately implement any decision and / or action required and advise the student in writing. If the complaint is not upheld, then s /he will be given a written explanation including the reasons for that decision by Campus Manager.
- d) If the appeal process results in a decision that supports the student, then the decision, corrective and preventative action will be implemented immediately and the student advised of the outcome.
- e) The student's enrolment will be maintained during the OSO complaints and appeal process.

6.6 Appeals against Cancellation of Enrolment

- a) The reporting of an international student has serious consequences for the student's visa. It will result in automatic cancellation of any active Confirmations of Enrolment. Therefore if the appeal is against IIBIT's decision to report the student for:
 - iii. unsatisfactory academic progress; and
 - iv. unsatisfactory attendance
- b) IIBIT will not report the student until the external case review process is complete and the findings have supported IIBIT's decision.
- c) If the appeal is against IIBIT's decision to:
 - v. defer or suspend a student's enrolment due to misbehaviour; and
 - vi. to cancel the student's enrolment,
- d) IIBIT will only wait for the outcome of the internal appeals process to ensure it supports IIBIT before notifying the Department of Immigration and Border Protection (DIBP) and the Department of Education, of the change to the student's enrolment through PRISIMS.
- e) Once Department of Education has been notified of a deferment, suspension or cancellation of a student's enrolment, the student has 28 days in which to:
 - i. leave Australia;
 - ii. show the Department of Immigration and Border Protection (DIBP) a new Confirmation of Enrolment (CoE); and
 - iii. provide DIBP with evidence that he or she has accessed an external appeals process.

6.7 Time Limits

IIBIT is unlikely to consider a complaint from a former student whose enrolment was finalised 6 months or more prior to the time of lodging the complaint. IIBIT ensures that all Complaints and Appeals are handled in a professional manner, exercising appropriate duty of care.

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6.8 Records of Complaints Process

- a) Student files will be updated to record the outcome of each stage of the process and any subsequent actions.
- b) A copy of all related documentation including a statement of findings and the reasons behind the decisions made at each stage of the Appeals and Complaints process will be retained on the student's file. Simultaneously, the decision and rationale will be notified to the student through mail.

6.9 Further Appeal

- a) Students have 20 working days to appeal the IIBIT decision on the following grounds;
 - i. compassionate or compelling circumstances;
 - ii. IIBIT has not calculated or recorded attendance correctly;
 - iii. IIBIT has not calculated or recorded results or marks accurately or correctly; and
 - iv. IIBIT has not implemented its counselling strategy and other policies according to its documented policies and procedures that have been made available to students.
- b) After completion of the appeals period students will be reported to DIBP for unsatisfactory attendance or unsatisfactory academic performance if any of the following occur:
 - i. student chooses not to appeal;
 - ii. student withdraws from the appeals process; and
 - iii. outcomes of appeals process favours IIBIT's decision.

7. Implementation

IIBIT Appeal and Complaints Policy and Procedure will be implemented throughout IIBIT via:

- a) IIBIT website, updated from time to time as necessary;
- b) reference to the IIBIT Apple and Complaints Policy and Procedure in the IIBIT online overseas student handbook; and
- c) training sessions for staff, including other staff responsible for advising in respect of student issues, such as Student Services, student counsellor, academic staff and staff supervisors.

8. Related policy and other documents

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|----------------------------|--|
| Related Documents | <ul style="list-style-type: none">• Complaints and Appeal Form |
| Related Legislation | <ul style="list-style-type: none">• National code of practice for Registration Authorities and Providers of Education and Training to Overseas Students (National Code 2007))• Education Services for Overseas Students Act 2000• Standard 5, 6 and 8: Standards for Registered Training Organizations (RTOs) 2015 |
| Review | A review of this policy and its procedures is undertaken annually by the Campus Manager and General Manager (Resources), for the attention of the Chief Executive Officer/Director Operations. |

9. Change History

| Version No | Date of Implementation | Summary of Change | Circulation |
|------------|------------------------|--|-------------|
| Version 1 | 30/07/2011 | Overall review | 30/07/2011 |
| Version 2 | 20/08/2012 | Overall review | 20/08/2012 |
| Version 3 | 27/02/2013 | Overall review | 27/02/2013 |
| Version 4 | 25/02/2015 | Updated: VET standards 2015, Department of education | 25/03/2015 |
| Version 5 | 01/05/2017 | Formatting | 01/05/2017 |

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