

STUDENT COMPLAINTS AND APPEALS POLICY AND PROCEDURE

Approving authority	Executive Management Team
Purpose	This policy and procedure has been developed to provide students (and their parent/guardian for under-18) and staff of Oxford College (Oxford) with guidelines for complaints and appeals and processes for appealing academic and other related decisions.
Responsible Officer	Head of Student Services
Associated documents	<ul style="list-style-type: none"> • Student Support & Services Policy & Procedures • Younger Students Policy and Procedures • Accident and Incident Reporting Policy and Procedures • Child Safety Policy and Procedures • Child Safe Risk Management Policy and Procedures • Mandatory Reporting Policy • Responding to and reporting allegations of suspected child abuse policy and procedures

1. RATIONALE

A fair and transparent means of making formal complaints and appealing academic and related decisions is an integral part of all training and assessment, and a requirement to meet National Code 2018 Standard 10 – Complaints and Appeals.

2. SCOPE

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

3. POLICY

- 3.1 Oxford provides students with comprehensive, free and easily accessible information about this policy on the website.
- 3.2 Oxford is committed to considering and resolving student grievances/complaints and providing a formal mechanism for students to appeal in a manner that both protects and respects the rights of both the College and the student.
- 3.3 Students who lodge a complaint or appeal have the right to a professional, fair and transparent process. Any staff member involved in the complaint or appeal equally has the right to a professional, fair and transparent.
- 3.4 Student complaints or appeals will be treated in a serious, sensitive, impartial, confidential and timely manner and discussed only with those persons relevant to the case or who can provide specialist advice.
- 3.5 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.
- 3.6 All complaints and appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution that is fair and equitable to all parties. Oxford will encourage the parties to approach a complaint or appeal with an open view and to attempt to resolve problems informally through discussion and conciliation.
- 3.7 If the informal approach through discussion and conciliation is unsuccessful the student may make a formal complaint.

- 3.8 At any stage in the internal complaints or appeals process students are entitled to be assisted or accompanied by a support person. Any staff member who is the subject of a complaint or appeal also has the right to have an accompanying support person
- 3.9 Ozford will implement the internal grievances and appeals policy at no cost to the complainant or appellant.
- 3.10 Each complainant, and appellant will have the opportunity formally present his or her own case, and each party may be accompanied and assisted by a support person at any relevant meeting.
- 3.11 The outcome of any appeal or complaint will be communicated in writing to the student within 5 working days of the determination.
- 3.12 Where a complaint or appeal cannot be resolved by the College or the College's determination of a matter is not accepted by all parties, access is available to an appropriate external and independent body to review the process and decision of the College.
- 3.13 Students will be provided within 10 working days with details of external authorities they may approach, such as the Commonwealth Ombudsman if they are not successful with the internal complaints or appeals process.
- 3.14 A student's enrolment must be maintained whilst consideration of a complaint or whilst the appeal is in progress and the outcome has not been determined.
- 3.15 If there is any matter arising from a student complaint or appeal that is a systemic issue which requires improvement action this will be reported to the College's management as part of the continuous improvement process.
- 3.16 Ozford will keep proper records of all grievances and appeals lodged under this policy and their outcomes on student files and make records available for external review authorities upon request.
- 3.17 Nothing in this procedure inhibits student's rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to 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, and telephone 9607 9311 for a referral to a solicitor.

4. PROCEDURES

Provision of Information

- 4.1 All prospective students will be provided with information about the complaints and appeals policy and procedures before making an agreement to enrol.

Informal Complaint Process

- 4.2 Students (and their parent/guardian for under-18) may raise any matters of concern relating to teaching and assessment, student visa requirements, the quality of the teaching, student amenities, discrimination, sexual harassment and other issues that may arise with staff of Ozford and attempt an informal resolution of the question or complaint.
- 4.3 Questions or complaints dealt with in this way do not become part of the formal complaint process and will not be documented, recorded or reported on unless the Ozford staff member involved determines that the issue, question or complaint was relevant to the wider operation of Ozford.
- 4.4 Students (and their parent/guardian for under-18) who are not satisfied with the outcomes of the question or complaint are encouraged to register a formal complaint.

Formal Complaint Process

- 4.5 To register a formal complaint a student must complete the Student Complaint/Appeal Application Form and contact the Head of Student Services to arrange a meeting. At this meeting the complaint can be raised and a resolution attempted.
- 4.6 The student will have an opportunity to formally present their case, in writing and in person at no cost to the student.
- 4.7 The student may be accompanied and assisted by a support person at any relevant meetings.
- 4.8 Ozford will then attempt to resolve the complaint with the student and any other parties who may be involved.
- 4.9 The resolution phase will commence within 10 working days of the complaint being lodged in writing. A maximum time of 20 working days from the commencement of the resolution phase will be allowed for the resolution unless all parties agree in writing to extend this time. This period is called the resolution phase.
- 4.10 At the conclusion of the complaint or appeal the student will be given a written statement of the outcome, including the details of the reasons for the outcome and the record of the complaint and outcome will be placed in the student file.
- 4.11 If the complaints process results in a decision in favour of the student, Ozford will immediately implement the decision or recommendation and/or take preventative or corrective action required by the decision and advise the student of that action.
- 4.12 If a student is not successful in the internal complaints process, Ozford will advise the student within 10 working days of concluding the internal review of their right to access an external complaints handling process at minimal or no cost. Ozford will provide the student the contact details for the appropriate complaints and appeals handling body.
- 4.13 The following matters must be lodged as a formal complaint within 20 working days of notification of an intention to report the student to Department of Education and Training (DET) (applicable to international students only) in order to be considered by Ozford.
 - Deferral of commencement, suspension or cancelling a student enrolment outcome
 - Intention to report the student to the Australian Government Department of Home and Affairs (DHA) for unsatisfactory course progress/unsatisfactory attendance and non-payment of fees (applicable to international students only)

Internal Appeals

- 4.14 Internal appeals may arise from a number of sources including appeals against assessment, appeals against discipline actions and appeals against decisions arising from students' failure to maintain course progress/ attendance requirement. The essential nature of an appeal is that it is a request by a student (and their parent/guardian for under-18) to reconsider a decision made by Ozford.
- 4.15 A student's enrolment must be maintained whilst an internal complaint or appeal is in progress. Where a suspension or cancellation is not initiated by the student and the student accesses the complaints and appeals process, the suspension or cancellation of the student's enrolment cannot take effect until the internal process is completed, unless extenuating circumstances relating to the welfare of the student apply as stated in the Refusal, Deferral, Suspension and Cancellation of Student Enrolment Policy & Procedures.
- 4.16 If the appeal is initiated by a student (and their parent/guardian for under-18), a Complaint/Appeal Application Form available at the Student Services Desk with supporting information should be complete and submitted.
- 4.17 The appeal resolution phase will commence within 10 working days of the internal appeal being lodged in writing.
- 4.18 An Appeal Panel comprising two staff members will be convened by the Head of Student Services within 10 working days of the appeal application being received. The student (and their parent/guardian for under-18) will be asked to formally present their case.
- 4.19 The outcome of the internal appeal and reasons for the outcome will be recorded in writing and signed and dated by the Appeal Panel and placed in the student file
- 4.20 The decision of the Appeal Panel will be communicated to the student in writing within 5

working days, unless the Appeal Panel decides that additional investigations, information or monitoring are required. In this case the student will be advised of the decision within 5 working days of the Appeal Panel reaching a decision.

- 4.21 If the appeals process results in a decision in favour of the student, Ozford will immediately implement the decision or recommendation and/or take preventative or corrective action required by the decision and advise the student of that action.
- 4.22 If the outcome of an internal appeal by an international student against the College's decision to suspend or cancel the student's enrolment is unfavourable to the student, Ozford will advise the student within 10 working days of concluding the internal review of their right to access an external appeals handling process at minimal or no cost. Ozford will provide the student the contact details for the appropriate complaints and appeals handling body.
- 4.23 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, Ozford 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, College needs to await the outcome of the external appeals process before notifying the Government through PRISMS.

External Appeals

- 4.24 If all of the above internal procedures have been followed and student is still not satisfied with the outcome, Ozford 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.

- **For overseas students on student visa**

OVERSEAS STUDENT OMBUDSMAN

Add: 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

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

Phone: 02 9251 3366

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 Ozford 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.

- 4.25 Students are advised that the purpose of the external process is to consider whether Ozford has followed its policies and procedures, rather than make a decision in place of Ozford. For example, if a student appeals against his or her subject results and goes through the internal appeals process, the external appeals process (if accessed) would look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be.
- 4.26 The external appeals procedure will be determined by the independent mediator.
- 4.27 Following the receipt of the outcome of the external appeal the College must immediately implement the decision, convey the outcome to the student and undertake any improvement actions arising from the complaint.
- 4.28 If an appeal is against the College's decision to report the student for unsatisfactory course

progress, Ozford must maintain the student's enrolment (i.e. not report the student for unsatisfactory progress) until the external appeals process is complete and has supported the provider's decision to report.

4.29 If an appeal is against the College's decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment, Ozford only needs to await the outcome of the internal appeals process (supporting the provider) before notifying DET (applicable to internal students only) through PRISMS of the change to the student's enrolment.

5. FEEDBACK

Feedback or comments on this policy and procedure is welcomed by the listed responsible officer.

Complaint/Appeal Application Form

First Name:		Surname/Family Name:	
Student No.:		Course Name:	
Course commencement:		Course Completion:	

Subject/Unit Name:	
Assessment Task:	
Due Date:	
Teacher's Name:	
Reason for Appeal:	
Any other relevant information/evidence you would like to include:	
Do you wish to be represented by another person at the appeal:	Yes/No
If Yes, please provide representative's name:	
Signature:	
Date:	
Action Taken By:	
Description of Action Take:	
Date:	

Student name
Student address

Date of Letter

Dear *(student's name)*,

Re: Outcome of Complaint/Appeal - Upheld

I write to inform you of the decision of your appeal about *(subject of appeal)*.

After consideration of the matters you raised and information you presented at the hearing on *(date of meeting)*, the Appeals Committee has decided to uphold your appeal for the following reasons:

- *(list reasons)*
- *(list reasons)*
- *(list reasons)*

You will now need to: *[delete if not required]*

- *(Resit the assessment)*
- *(Attend your classes as per the timetable)*
- *(Confirm details of your accommodation)*
- *(Meet with the Student Counsellor for ongoing support)*
- *(Meet with the Student Services Coordinator to discuss expectations of behaviour and attendance)*
- *(other conditions/action)*

Yours sincerely,

Head of Student Services
on behalf of Appeal Committee

Student name
Student address

Date of Letter

Dear *(student name)*,

Re: Outcome of Complaint/Appeal - Denied

I write to inform you of the decision of your appeal about *(subject of appeal)*. After consideration of the matters you raised and information you presented at the meeting on *(date of meeting)*, the Appeals Committee has decided to reject your appeal for the following reasons:

- *(list reasons)*
- *(list reasons)*
- *(list reasons)*

Under the College's Complaints and Appeals Policy, students may seek assistance from an external body if they are not satisfied with the decision reached by the College. The providers we use for this mediation service are:

- **For overseas students on student visa**

OVERSEAS STUDENT OMBUDSMAN

Add: 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

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

Phone: 02 9251 3366

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

You may contact OVERSEAS STUDENT OMBUDSMAN or the Resolution Institute within 10 working days from the date of this letter if you wish to take your appeal further. This service is provided at no cost/minimal cost to you. During this time (and if you choose to make an appeal, while your appeal is being considered), your enrolment will be maintained. Ozford will contact OVERSEAS STUDENT OMBUDSMAN or LEADR after 10 working days about this matter. If you have not made an external appeal Ozford will (list consequences – For eg: cancel your enrolment by notifying the Secretary via Provider Registration and International Students Management System (PRISMS)).

For international students, cancellation of Enrolment may affect your student visa, if you require more information as to how this action may affect your visa status, contact your local immigration office or phone the immigration helpline 131881.

Yours sincerely,

Head of Student Services
on behalf of Appeal Committee