TIAS-TSC-08-1 Complaints and Appeals Policy and Procedures
(The National Code Standards 8, 10, 11 and 13)

Note: This document will be subject to revision. Once it is downloaded it is no longer a controlled document
1 PURPOSE
To provide a documented procedure for the processing of Student Complaints and Appeals, in accordance with the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (The National Code 2007).

2 SCOPE
This policy applies to Taylors Institute of Advanced Studies Ltd (TIAS).

The National Code 2007 requires the provider to have effective policies and procedures relating to customer complaints, grievance handling and dispute resolution. It also requires the provider to disseminate clear information about these policies and procedures to each student prior to enrolment. TIAS ensures that this information is included within the brochures provided to students prior to enrolment and on the web site. These marketing tools are provided to key international markets in the languages spoken in those markets.

3 RELATED DOCUMENTATION
- the Australian Council for Private Education and Training (ACPET) website: http://www.acpet.edu.au
- the website of the Overseas Student Ombudsman: www.oso.gov.au
- Student Code of Practice

4 DEFINITIONS
4.1 GRIEVANCE
A grievance is a concern about a situation, a process, a person or people, a facility or a service provided by TIAS, which the student brings to the attention of TIAS in an informal way.

4.2 FORMAL COMPLAINT
A formal complaint takes place if a grievance cannot be resolved informally (for example, by the affected parties discussing the matter), and needs to be formally considered by an internal review panel.

4.3 FORMAL APPEAL
If a student is dissatisfied with a decision made by TIAS, he/she has 20 working days from the date on the written notification of the decision in which to lodge a formal appeal to have the case reviewed. This includes decisions relating to complaints outcomes, as well as notifications of unsatisfactory academic progress, unsatisfactory attendance, misbehaviour, and/or pending cancellation of enrolment.

5 COMPLAINTS AND APPEALS POLICY
TIAS believes that students are entitled to have access to effective systems for handling any complaints or appeals that might arise during the course of their studies, as one way of ensuring the highest possible academic and service standards.

Any grievance or formal complaint or appeal will be treated seriously, sensitively, and impartially. The student should be confident that there will be no negative consequences, and that the grievance or formal complaint or appeal, will be fairly investigated and the appeal fairly acted upon. The procedures followed will be seen as fair by everyone involved.

Confidentiality will be strictly observed by all participants and at all stages of the Complaints and Appeals Procedure.
OVERVIEW OF THE GRIEVANCE, AND FORMAL COMPLAINT AND APPEAL PROCEDURE

The grievance and formal complaints and appeals procedures can be used for complaints regarding the implementation of TIAS procedures for the delivery and quality of services, including teaching, or any other matters relating to the experience of being a student of TIAS, and for appealing decisions made by TIAS. Students and staff are encouraged to resolve complaints informally. Students should discuss the complaints and appeals process with the Grievance Counsellor before making a formal complaint or appeal (see Section 7).

During Orientation, each student will be advised of the Complaints and Appeals Policy and Procedure, including the name of the Grievance Counsellor, and where he/she can be found on campus. A student with a grievance should contact the Grievance Counsellor who will work with the student and any other relevant parties to resolve the grievance.

If the student is dissatisfied after all internal grievance and formal complaints and appeals processes have been completed, he/she can appeal and seek an external case review. The student’s enrolment must be maintained while the internal review process is occurring.

If the appeal is against TIAS’ decision to report the student for unsatisfactory attendance or unsatisfactory course progress, TIAS will maintain the student’s enrolment (i.e. not report the student for unsatisfactory attendance or unsatisfactory course progress) until the external review process is complete and has supported TIAS’ decision to report.

If the appeal is against TIAS’ decision to defer or suspend a student’s enrolment due to misbehaviour or to cancel the student’s enrolment, TIAS will await only the outcome of the internal appeals process. If that outcome supports TIAS, DIISRTE will be notified through PRISMS of the change to the student’s enrolment.

Confidentiality will be strictly observed by all participants and at all stages of the Complaints and Appeals Procedure.

INTERNAL FORMAL COMPLAINT AND APPEAL PROCEDURE

A student who is not happy with a decision made by the College is advised to speak with the appropriate member of staff and attempt to resolve the issue informally. If the issue is not able to be resolved the student speaks with the Grievance Counsellor.

The Grievance Counsellor discusses the situation and if the student wishes to make a formal complaint, the Complaints and Appeals Procedure is explained to the student and the student is given a copy of the Complaint and Appeal Form. The student is advised that they have 20 working days in which to submit their formal complaint.

A Formal Complaint is submitted by the student to the Grievance Counsellor within the 20 working day period. The student must provide the following information:

- Details of the formal complaint/appeal
- Supporting information he/she wishes to be considered as part of the complaint/appeal
- An explanation of the steps already taken to try to resolve the matter informally and why the responses received are not considered satisfactory; and
- What the student thinks needs to be done to address his/her concerns.

The Grievance Counsellor investigates the complaint and attempts to resolve the issue with 10 working days by liaising with relevant staff. (e.g. Program Manager, Head of Faculty, Campus Director). Approval is received from the Campus Director. The Grievance Counsellor informs the student, in writing, of the outcome of their investigation within 5 working days – Letter 1: Outcome of Complaint.

Two copies of the letter will be given to the student – one copy is for the student to keep, the other copy requires the student’s signature and date to confirm that they have received the letter. The signed
copy of the letter is put in the student’s file.

If the student accepts the outcome, the issue is resolved. If not, the student submits the Appeal – Case Review Request Form to the Grievance Counsellor, who passes it onto the Campus Director.

The Campus Director considers the request for a Case Review Panel. The student will receive a response in writing, within 10 working days – Letter 2: Case Review Request. Two copies of the letter will be given to the student – one copy is for the student to keep, the other copy requires the student’s signature and date to confirm that they have received the letter. The signed copy of the letter is put in the student’s file. This letter states whether or not a Case Review has been arranged, and if not, why not. The Case Review Panel will consist of the Principal, Manager of Student Welfare and Support and another nominated staff member.

If a Case Review has been not been granted, and the student feels the issue has not been dealt with fairly, the student is referred to the Overseas Student Ombudsman (overseas student) or ACPET for local students.

The Case Review is undertaken. The review will be conducted in private and all relevant facts will be taken into consideration. The student and all involved parties may attend and be accompanied by a friend or representative who may speak and act on their behalf, including providing evidence. If the complaint involves a member of staff, he/she will also be invited to present his/her case to the panel. A secretary will be appointed to take a written record of the meeting.

The Case Review Panel reaches a decision and informs the student, in writing, of the outcome – Letter 3: Case Review Outcome. If the formal complaint or appeal is upheld, the student will be informed of the action to be taken to resolve the matter. If it is not upheld, the student will be given a written explanation which includes the reasons for that decision. Two copies of the letter will be given to the student – one copy is for the student to keep, the other copy requires the student’s signature and date to confirm that they have received the letter. The signed copy of the letter is put in the student’s file.

The student is informed that if they are not satisfied with the outcome they are referred to the Overseas Student Ombudsman (overseas student) or ACPET for local students.

Current or former students may appeal to the Overseas Student Ombudsman.

8 EXTERNAL CASE REVIEW PROCEDURE

An overseas student may lodge an external appeal or make an external complaint about a decision by contacting the Overseas Students Ombudsman. 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 362 072 for more information.

For domestic students, TIAS has chosen the ACPET External Students Appeals Service as the external body to which a student may refer an unresolved complaint. ACPET has appointed an independent panel to determine appeal outcomes. Please refer to the following website for more information:

http://www.acpet.edu.au/students/student-support/appeals

TIAS will maintain the student’s enrolment in the course while the External Case Review process is underway.

Alternatively any of the above, the student may choose to take action under Australia’s consumer protection laws.
If the external review process supports the complaint, TIAS will immediately implement any decision and/or action required, and advise the student in writing. If the complaint is not upheld, then he/she will be given a written explanation including the reasons for that decision.

9 REPORTING OF INTERNATIONAL STUDENTS

The reporting of an overseas student has serious consequences for the student’s visa. It may result in automatic cancellation of the student’s visa.

9.1 If an appeal is against TIAS decision to report the student for:

- unsatisfactory academic progress, or
- unsatisfactory attendance,

TIAS will not report the student until the external case review process is complete, and findings have supported the TIAS’ decision.

9.2 If the appeal is against TIAS decision to:

- defer or suspend a student’s enrolment due to misbehaviour, or
- to cancel the student’s enrolment,

TIAS will only wait for the outcome of the internal appeals process to ensure it supports the decision of TIAS, before notifying the Secretary of the Department of Industry, Innovation, Science, Research and Tertiary Education (DIISRTE) via PRISMS of the change to the student’s enrolment status.

9.3 TIAS will maintain the student’s enrolment until the internal appeals process is complete, unless there are extenuating circumstances relating to the student’s welfare.

Extenuating circumstances relating to the welfare of the student may include, but are not limited to, the following. The student:

- refuses to maintain approved care arrangements (only for students under 18 years of age)
- is missing
- has medical concerns, severe depression or psychological issues which lead TIAS to fear for the student’s wellbeing
- has engaged, or threatens to engage in behaviour that is reasonably believed to endanger the student or others
- is at risk of committing a criminal offence

9.4 Once DIISRTE has been notified of a deferment, suspension or cancellation of a student’s enrolment, the student may be contacted by DIAC regarding their visa status. The student may be required to:

- show the Department of Immigration and Citizenship (DIAC) a new Confirmation of Enrolment; or
- provide DIAC with evidence that he or she has accessed an external appeals process.

9.5 These provisions apply to both current accepted students and former accepted students (e.g. A student cannot avoid being reported for failure to satisfactory attendance, course progress, misbehavior ... by cancelling his/her CoE with any TIAS provider).

10 MONITORING

Without breaching confidentiality, all formal complaints and their associated responses and outcomes will be monitored by the Managing Director (or nominee).

11 FORMER ACCEPTED STUDENTS

At the internal level, TIAS is unlikely to consider a complaint from a former accepted student whose enrolment was finalised 6 months or more prior to the time of lodging the complaint.

At the external level, a former accepted student can access the external case review procedure at the Overseas Students Ombudsman if he/she is a former international student.

12 APPEALING AN APPEAL OUTCOME
An appeal of a decision about an appeal can be made only if the student is able to provide new evidence in relation to the original decision which was appealed.

13  COMPLAINTS PROCESS RECORDS

The student’s files will be updated to record the outcome of each stage of the process, and any subsequent actions.

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.

A copy of the statement of findings will be provided to the student.

DOCUMENT VERSION CONTROL

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