

Student Complaints, Appeals and Grievances Policy and Procedures

Purpose

The purpose of this Policy is to detail a process to be followed that promotes the timely and fair resolution of concerns, complaints, appeals and grievances raised by students about the Sydney International School of Technology and Commerce (SISTC).

Context

SISTC is committed to and provides mechanisms for students to provide feedback on their experience of learning. SISTC recognises that some students may have complaints, compliments and suggestions on various aspects of learning, support services and academic and non-academic matters. In some cases, these may become appeal or grievance situations to be resolved by the School.

All registered education providers are required to comply with complaint handling processes as set out in the *Higher Education Standards Framework (2021)*. Additionally, providers of education and training for overseas students are required to comply with the *Commonwealth Education Services for Overseas Students Act 2000 (ESOS Act)*. The *ESOS Act* establishes the requirements and standards for the regulation of education and training providers offering courses to international students in Australia on a student visa. Under the *ESOS Act*, education providers have a responsibility to follow a National Code (“National Code 2018”).

In particular circumstances, a provider may have to report the suspension or cancellation of an overseas student’s enrolment to the Department of Immigration and Border Protection (DIBP). This can lead to the student’s visa being cancelled. However, under the National Code a provider cannot report the cancellation or suspension of a student’s enrolment (for unsatisfactory course progress or attendance) to the Department until the student has been given the opportunity to seek a review from an external complaint handling body. Depending on whether the provider is a private or public provider, the external review of the complaint may be carried out by either the Overseas Student Ombudsman or a State Ombudsman.¹

Policy Principles

SISTC is committed to providing a supportive learning environment where students are treated in a fair and equitable way and have a positive learning experience. This includes the right to have any decision, action or matter that affects them reviewed through a confidential and independent process, incorporating internal and external review. This policy applies to all students of SISTC who have a concern or complaint (including a grievance) about SISTC.

¹ <https://internationaleducation.gov.au/regulatory-information/pages/regulatoryinformation.aspx>

Key Definitions

For the purpose of this Policy:

Complainant: means the student(s) who is notifying a complaint.

Complaint: means any type of approach by a student(s) to the School in which they indicate they are not satisfied with the way a decision/action/matter affecting them was handled/is being handled. This includes but is not limited to the process or the outcome. This may include a decision/action/matter affecting them as a result of an SISTC-registered Education Agent or third party.

Appeal: means a request made by a student to have a situation, process or outcome reviewed by a party not involved in the original decision, at a level appropriate to review the decision, and with the requisite expertise to conduct such a review.

Appellant: means a person lodging a formal appeal against a decision/action/matter that affects them.

Grievance: means a complaint of such a serious nature that it has reached a situation where a student(s) feels aggrieved by the seriousness of the unfair treatment towards them which emanated from a decision/action/matter affecting them. The student is seeking resolution and redress. This may also apply to a situation where a student is not satisfied with the way a complaint or appeal they have lodged has been handled from the point of view of the process or the outcome.

Complaints and Grievances Officer: means the nominated member/s of staff responsible for the administration of appeals or complaints under this Policy. All formal complaints made under this Policy must be lodged with the Complaints and Grievances Officer who will investigate the complaint. The Complaints and Grievance Officer will be responsible for recording and tracking formal complaints under this Policy on a confidential and securely stored database. The Complaints and Grievances Officer is also a source of advice available for all parties involved in an investigation of a complaint and can be contacted at any stage during the complaints process for advice or assistance.

Investigating Officer: refers to a person formally appointed by the Delegated Officer to conduct an investigation of a complaint, appeal or grievance, and provide a report for consideration.

Delegated Officer: refers to the holder of a position who has the delegations to consider and make a decision in relation to relevant matters under the SISTC *Delegations Policy and Schedule*.

PRISMS: means Provider Registrations and International Student Management System.

Respondent: means SISTC or its nominated representative.

Student: means any person who is currently enrolled as a student of SISTC, or who was enrolled as a student of SISTC within the 12-month period prior to the date the complaint was made.

Scope

This Policy applies to:

- current and prospective SISTC students, or groups of students;
- former SISTC students up until twelve months following:
 - withdrawal;
 - failure to re-enrol;
 - expired Leave of Absence period;
 - thesis submission;
 - completion; or exclusion from / in any SISTC program or course of study.

Implementation

SISTC recognises the important role of feedback from students to promote a healthy, safe and productive environment which engages with stakeholders. Legitimate complaints are an important part of that feedback and help SISTC to identify and implement preventative strategies to minimise recurrent or systemic problems.

SISTC will investigate and seek to resolve all legitimate complaints in a fair, impartial and timely fashion. SISTC takes all legitimate complaints seriously and will ensure that complainants do not suffer any disadvantage or recrimination because they make a complaint.

Anyone who makes a complaint is expected to observe the processes in place for their complaint (including those about confidentiality) and to behave in a courteous and reasonable manner towards SISTC staff who investigate or decide those complaints.

Complaints may be made informally, in which case the matter is investigated urgently through the Complaints and Grievances Officer with a view to achieving a quick resolution. This may be effective for example where there may be some misunderstanding or misinterpretation/communication breakdown involved. In all cases the complaint is entered to the *Complaints Register*. The result of an investigation of an informal complaint is communicated to the student within 3 working days of notification of the complaint. This may extend to 5 working days where the matter is complex, with an interim advice/update provided to the student at 3 working days after notification of the complaint.

A complaint, appeal or grievance may also be lodged formally in writing. In this case the matter will be initially investigated internally by SISTC.

SISTC also makes provision for an external review in relation to situations where matters have reached a grievance level and the student is not satisfied with the outcome of an internal review by the School. Such external review (including mediation and/or conciliation services) is provided through The Resolution Institute, who may be requested to make an expert determination if the matter cannot be resolved to the satisfaction of all parties through mediation.

The flow chart at Appendix A depicts the process for internal and external review of grievance matters.

Complaints - Informal

Any student may make an informal complaint at any time within 12 months from the date of the event leading to the complaint. A complaint can be made face to face, by telephone, by email or in writing. Many problems or concerns tend to arise through misunderstandings and SISTC believes that, in most cases, they are best dealt with quickly and informally with the person concerned.

However, there are times when a person who wishes to make a complaint feels uncomfortable about approaching a member of staff, particularly if the complaint is a serious one or involves that staff member. In these cases, an informal complaint can be made through the appropriate member of SISTC staff at the local level such as the Associate Dean, Academic Program or the Student Support Officer.

SISTC requires any staff member contacted about a complaint to provide the complainant with information about how to pursue the complaint, including referral to an appropriate contact or information about pursuing their complaint.

Staff members who receive a complaint are encouraged wherever possible, to resolve complaints as quickly and informally as possible, normally within 20 working days of the complaint being raised. Where the complaint cannot be resolved in this timeframe, the Academic Registrar must be informed and the complaint may be referred to the formal process.

Complaints – Formal

Any student can make a formal complaint at any time including if they are dissatisfied with the outcome of any informal complaint already made, provided the complaint is lodged within 12 months from the date of the event leading to the complaint or within a reasonable timeframe after receiving notification of the outcome of an informal complaint.

A formal complaint must be lodged in writing with the Complaints and Grievances Officer, using the approved form for this purpose at Appendix B. The written complaint must contain sufficient information necessary for the complaint to be investigated and to substantiate the complaint. All available information including a brief description of what the complaint is about, how it arose, who is involved, what (if any) steps have been taken to resolve the complaint and what outcome the complainant is seeking, should be lodged at the outset, along with any supporting documentation. In cases where no formal written complaint has been received or the complainant refuses to put their complaint in writing, the Complaints and Grievances Officer may decide on whether an investigation is warranted.

Anonymous Complaints

SISTC does not generally respond to anonymous complaints unless they involve allegations of a serious nature, such as corruption or criminal behaviour. Where appropriate, the Complaints and Grievances Officer may decide that an investigation is warranted.

Withdrawal of a Complaint

Any student may withdraw their complaint at any stage of the informal or formal process. If the formal process is underway, any withdrawal must be in writing. In most instances, SISTC will then deem the complaint resolved. However, in certain circumstances SISTC may deem the complaint serious enough for an internal investigation to continue or for referral to an external agency.

Complaint Investigation and Determination Procedures

On receipt of a formal complaint the Complaints and Grievances Officer will:

1. record the complaint on a confidential and securely stored Complaints Register database;
2. send an acknowledgement of receipt of the complaint to the complainant within one working day, and
3. refer the complaint to the Academic Registrar as Delegate under the formal procedure with a recommendation as to the process and timeframe for investigation.
4. advise the student within 3 working days of receipt of the timeframe for resolution of the complaint (5 working days where the complaint is complex, with an interim advice provided at 3 working days), as well as the name of the Investigating officer

Where the Academic Registrar as Delegate determines that the complaint should be investigated under this Policy, the Investigating Officer will liaise with the complainant and relevant SISTC officer/s to investigate the complaint. The Investigating Officer will provide a report and recommendation to the Delegate within 10 working days of commencing the investigation. The Delegate will then advise the student of the outcome within a further 2 working days.

The process for investigating complaints will be open and transparent and will have due regard for natural justice and procedural fairness principles. Both the complainant and respondent will have the opportunity to present their cases in writing. This process will include ensuring all parties are in receipt of these procedures and providing the respondent with written details of the complaint. The Complaints and Grievances Officer must seek the complainant's permission prior to releasing details of the complaint to the respondent.

SISTC will examine the relevant documentation, interview relevant parties where necessary and seek clarification on information supplied from the relevant parties where required.

Both the complainant and the respondent are entitled to invite a support person or a neutral third party to attend any interviews or meetings conducted during the formal process. The support person can be a fellow student, staff member, friend or family member, and may provide assistance with communication as well as 'moral support' for the complainant.

The investigation will be concluded, normally within 20 working days of the receipt of the complaint. Where this is not possible, SISTC must keep the complainant informed of the reason and expected finalisation date.

At the conclusion of the investigation, the Investigating Officer will provide one of the following written recommendations to the Delegate:

1. that the complaint has been substantiated and recommendations made on any action required; or
2. that the complaint has not been substantiated.

The Complaints and Grievances Officer will provide a written advice to the student advising them of the outcome, the opportunity to further discuss the outcome with the Delegate, and of the availability of independent external review under the grievance provisions.

Appeals

The provision for students to appeal applies to both academic and non-academic matters. Students have the right to informally raise questions and seek clarification in relation to any decision/action/matter that affects them.

In the case of academic assessment and grades, this can be either through an informal request which must be responded to in a timely and considered way by the original decision maker, who should seek to provide further clarification and justification for the grade awarded. Students have the right to then appeal such decisions if they are not satisfied with the process or outcome of the request.

Students are encouraged to contact the Academic Registrar or Deputy Registrar, who will provide them with the required application form and advice for taking forward a formal appeal. Appeals are considered by delegated officers not involved in the original decision who have the expertise and authority to consider appeals.

Acknowledgement is provided to the student within one working day of receiving the appeal, along with an indication of the anticipated timeframe for considering and resolving the appeal. Students are also informed of the officer who will be their contact through the appeal process, and who may request additional information or clarification in considering the case. This officer will also be the student's liaison point in relation to progress of the appeal.

Students have the right to have matters relating to academic outcomes reviewed internally if they are unhappy with either the process or outcome of an academic matter (eg assessment/mark/grade etc.). In this situation, the School will make arrangements for the student's assessment/mark/grade etc. to be reviewed by an academic staff member who has subject area expertise and was not involved in the original decision. A recommendation will be made to the Academic Registrar who may consult with the Chief Academic Officer (Dean) in reaching a decision as to the outcome of the appeal. Any student aggrieved by either the outcome or process is able to take such matters forward under the formal grievance arrangements, including for external review.

Appeals will be resolved within 20 working days in the majority of cases, however this will depend on the nature and complexity of the matters under appeal. In all cases the appellant will be kept informed in a timely way of progress and timeframes.

Grievance Investigation and Determination Procedures

Where a situation has reached a formal grievance stage, SISTC must have regard to the possibility of the matter being subsequently referred for external review. This should be a factor in guiding the investigation, recording and advising elements of managing the grievance. In this context, just as with complaints handling, SISTC's processes for resolving grievances must have openness and transparency, as well as regard for natural justice and procedural fairness principles. The investigation and decision-making process must be clearly recorded in a way which shows clearly the steps and processes involved in managing the grievance to an outcome.

When either an academic or non-academic matter has reached a grievance situation, normally the Chief Academic Officer (Dean) if not involved in the original decision, will formally appoint an Investigating Officer. This may or may not be the Complaints and Grievances Officer, and in all cases must be a person not previously involved in handling an earlier related complaint or be in any way the subject of or a party involved in the complaint/grievance.

The outcome of grievances relating to academic and non-academic matters following investigation will be determined by the Chief Academic Officer (Dean) as Delegate.

Where necessary, the Chief Executive Officer is available as Delegated Officers where the circumstances require this as an officer under the 'one level above' grievance determination principle. In some situations involving for example the CEO or the Chief Academic Officer (Dean), the Board may determine that an external party should be called on to conduct the investigation.

Acknowledgement will be provided to the complainant or aggrieved party within one working day of receiving the grievance. Students will be informed of the likely timeframe for resolution of the grievance within 3 working days of receipt (5 working days where the grievance is complex and an interim advice provided at 3 working days). Complainants or aggrieved parties are also informed of the name of the Investigating Officer who will be their contact through the process of considering the matters raised, and who may request additional information or clarification in considering such matters. The Investigating Officer will also be the liaison point in relation to the progress of considering the complaint or grievance.

Aggrieved parties will be informed of the outcome of their grievances within 20 working days of submitting the grievance in the majority of cases, however this will depend on the nature and complexity of the matters raised. In all cases complainants or aggrieved parties will be kept informed in a timely way of progress and timeframes.

Students are to be provided with formal notification in writing of the outcome of their complaint, appeal or grievance in the format at Appendix C. In all cases the outcome of the decision will also be discussed with the student at the same time as part of this process.

SISTC also makes provision for an external review in relation to situations where matters have reached a grievance level and the student is not satisfied with the outcome of an internal review by the School. Such external review (including mediation and/or conciliation services) is provided through The Resolution Institute.

The flow chart at Appendix A depicts the process for internal and external review of grievance matters, including as they relate to academic decisions/matters/outcomes.

Charges

SISTC does not charge a fee for considering an appeal or grievance. Where students elect to seek external review through The Resolution Institute, there is similarly no charge to students.

External Agency

Complainants are encouraged to follow the procedures in this Policy and to act in good faith to try and resolve any actual or potential complaint. The complainant may, at any stage, refer their complaint to an external agency such as an Ombudsman. Where this occurs, SISTC will advise the agency of review action already in train and discuss with the agency the best way for taking the matter forward. Where SISTC is aware that a complaint has been lodged externally, the complaint will be recorded.

A list of external agencies is provided below to assist with resolving external complaints:

Type of Complaint	External agency
Discrimination, sexual harassment, victimisation, vilification	Australian Human Rights Commission NSW Anti-Discrimination Board
FEE-HELP/HECS-HELP, intellectual property rights, matters relating to competition and consumer legislation	Administrative Appeals Tribunal OR Australian Competition and Consumer Commission (ACCC)
Refunds, contracts such as Letter of Offer, Terms and Conditions of Enrolment	NSW Office of Fair Trading
Campus safety	Safework NSW
Privacy breach and fees and any other refunds	NSW Civil and Administrative Tribunal (NCAT)
Higher Education Standards, ESOS and National Code compliance	Tertiary Education Standards and Quality Agency (TEQSA)

External Appeals Procedure for International Students

The purpose of the external appeals process for international students is to consider whether SISTC has followed its student complaint and appeals procedure and should only be enacted after exhausting the internal procedures described above.

If a complainant wishes to lodge an external appeal or complaint about a decision made by the internal appeal process, they can contact the Overseas Students Ombudsman. The Overseas Student 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. More information about the process can be obtained from the [Overseas Students Ombudsman's](#) website or by phoning 1300 362 072. ^[1]_[SEP]

The Overseas Students Ombudsman can investigate complaints about action taken by private providers in connection with overseas students. Complaints might include, for example:

- refusing admission to a course;
- fees and refund;
- course or provider transfers;
- course progress or attendance;
- cancellation of enrolment;
- accommodation or work arranged by a provider;
- incorrect advice given by an education agent.

There is no charge for lodging an external appeal.

Following the receipt of the outcome of the external appeal, SISTC must immediately implement the decision, convey the outcome to the student, place a copy of the documentation on the student file and undertake any improvement actions arising from the complaint.

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

If an appeal is against SISTC's decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment, SISTC only needs to await the outcome of the internal appeals process (supporting the provider) before notifying the necessary departments including the Department of Education and Training (DET) and the Department of Immigration and Border Protection (DIBP), through PRISMS of the change to the student's enrolment.

Standard 10 of the "National Code of Practice 2018" requires arrangements for independent, external review of complaints and appeals made by international students. International students should be aware that the Ombudsman will only review decisions in circumstances where the complainant and SISTC have firstly followed its internal complaint policy and procedures.

In accordance with this Standard, SISTC shall maintain a student's enrolment while an appeal is ongoing and immediately implement any decision and/or corrective and preventative action required.

External Appeals Procedure for Domestic Students

The purpose of the external appeals process for domestic students is to consider whether SISTC has followed its student complaint and appeals procedure. It should only be enacted after exhausting the internal procedures described above.

As set out in the flowchart at Appendix A, In the event that internal resolution to a complaint cannot be reached, students will have access in the first instance to an external, independent reviewer to consider the case. Where on completion of such an external review and the student is dissatisfied with the outcome, it is open to the student to contact the relevant regulator/ overseer for Australian corporate activities.

Record Keeping

Each staff member responsible for managing a complaint must keep accurate and complete records in accordance with the *SISTC Records and Information Management Policy*.

Each Business Unit must provide to the Academic Registrar by 30 June and 31 December in each year a de-identified statistical analysis of all formal complaints handled by that Unit during the preceding six-month period in a prescribed format and containing details that will enable SISTC to identify and monitor any systemic issues and provide opportunities for ongoing improvement.

The Academic Registrar will be responsible for recording and tracking formal complaints under this Policy on a confidential and securely stored SISTC database. The data base will be used to systematically identify any emerging/underlying weaknesses or deficiencies in the School's procedures/processes/outcomes. An annual report is provided by the Director of Operations (through the CEO/Academic Board) to Board of Directors in relation to complaint, appeal and grievance activity and trends. Board of Directors is also informed at every Board meeting of the number, grounds and status of complaints, appeals and grievances and in this way is able to monitor the on-going relationship between the School and its students.

In all cases, SISTC will retain a written copy of the complaint or appeal; all relevant documentation relating to the investigation; and the determination, the statement of outcome, and reasons for the outcome.

Conflict of Interest

A participant may disqualify themselves from participating in these complaint procedures should they consider that their involvement would create a conflict of interest. The Academic Registrar is required to ensure that any participant in the processes specified by this Policy has the opportunity to declare whether or not they have a conflict of interest. Any participant who perceives a possible

conflict of interest should report the matter to the Academic Registrar for a determination on what action is appropriate, and the Academic Registrar may disqualify a person from participating.

Victimisation

Any victimisation of a complainant acting in good faith will be regarded seriously and should be referred to the Academic Registrar for appropriate action. Any student who victimises a person in relation to these complaint procedures may be subject to an action under the *SISTC Student Rights and Obligations Policy*. A staff member who victimises a student in relation to these complaint procedures may be subject to an action under the *SISTC Staff Complaints, Appeals and Grievances Policy* and/or the *SISTC Staff Rights and Obligations Policy*.

Confidentiality

There should be limited disclosure of information relating to a complaint. Dissemination of relevant information should be to as few people as possible, and only to those who are legitimately involved in the process of resolving the complaint.

All parties involved in an investigation of a complaint including the complainant, respondent and investigators are to maintain confidentiality. Any breaches of confidentiality, careless or otherwise, on the part of any of the parties involved in the resolution of the complaint will be regarded seriously and should be referred to the Academic Registrar for appropriate action.

Training

All SISTC staff members who are or may be involved in complaints handling under this Policy are to participate in appropriate training for handling complaints and grievances.

Internal Reporting

At the end of each year the Academic Registrar will provide a report to the Academic Board. The report will include: number of complaints, nature of complaints, complaints resolved, involvement of external agencies, and any attention required from the Academic Board. The Academic Board will periodically report to the Board of Directors on the incidence, nature and scope of student complaints.

Relevant Legislation and Standards

Higher Education Standards Framework (Threshold Standards) 2021 Domain 2
National Code of Practice for Providers of Education and Training to Overseas Students 2018 ("the National Code 2018") Part D, Standards 9 and 10

Key Related Documents

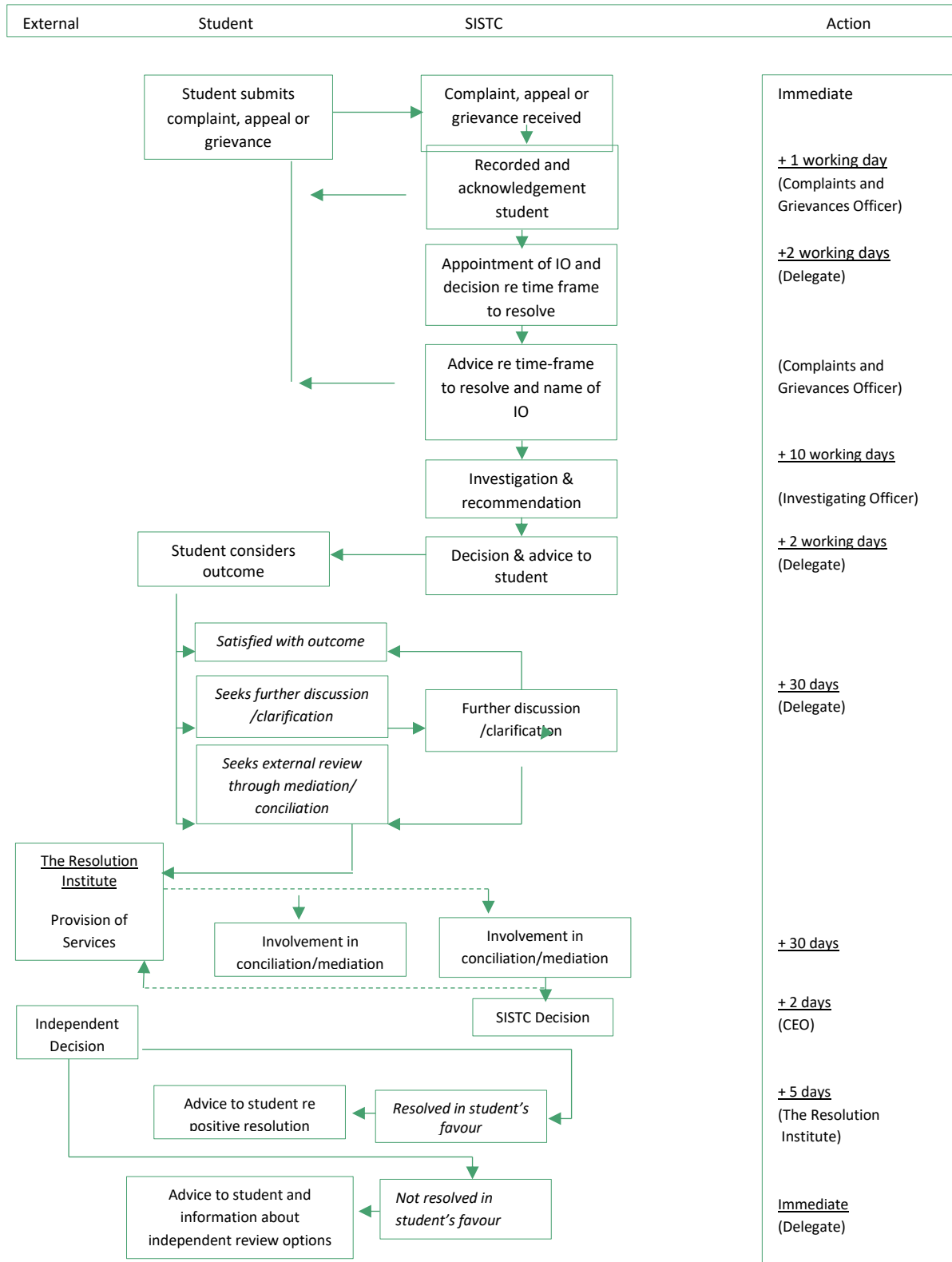
SISTC Records and Information Management Policy
SISTC Review of Grades and Academic Appeals Policy and Procedures
SISTC Staff Rights and Obligations Policy
SISTC Student Rights and Obligations Policy

Notes

Responsible Officer	Chief Executive Officer
Approval Authority /Authorities	Board of Directors
Date Approved	6 March 2019
Date of Commencement	
Date for Review	2022
Documents Superseded by this Policy	None
Amendment History	<p>V1.0 amended with the SISTC logo on 25 February 2020.</p> <p>V1.1 amended with the approved changes to the senior management structure on 28 April 2021.</p> <p>V1.2 updated with the changes to the HESF 21 1 July 2021.</p> <p>V1.3 minor updates with a list of agencies and the staff involved in managing complaints 23 November 2021</p>

Appendix A

Flow chart – formal complaints, appeals and grievance



Appendix B: Request for Review of a Decision/Action Proforma

CONFIDENTIAL

Student Request for Review of a Decision/Action

Note: Before filling out this Form please refer to the SISTC Student Complaints, Appeals and Grievances Policy and Procedures and/or the SISTC Review of Grades and Academic Appeals Policy and Procedures, available on the SISTC website.

Please tick one)

- Complaint
- Appeal against a decision/action
- Grievance about a decision/action

Student name:

Student number:

Signed: **Date:**

1. What decision or action does your complaint, appeal or grievance relate to?

(Please 1. describe the decision or action, 2. indicate who made the decision or took the action, and 3. the approximate date when this happened)

2. Why do you disagree with the decision/action OR why are you unhappy about it?

(Please provide any information you feel is relevant to your request for a review)

3. What action or outcome are you seeking from your complaint/appeal/grievance?

4(a). Do you agree to the School discussing your complaint, appeal or grievance with any staff members or students who can provide relevant information about it?

Yes or No

4(b). Is there any person you do not want this discussed with? If so, who?

5. What evidence/documents/further information have you included with this request?

(Please list your attachments here and attach them to this request - this may include further details relating to points 1, 2 and 3 if there is insufficient space in this form)

OFFICE USE ONLY (To be completed, copied and returned to the student confidentially, including copies of any attachments provided by the student)

Student: Please regard this as a receipt of your request for a review.

Your Contact Officer who will keep you informed of progress, and who you can provide any additional information to is:

..... (name) (email)

..... (phone)

..... (Signed) Complaints and Grievances Officer

..... Date

Appendix C: Outcome of Student Request for Review of a Decision/Outcome Proforma

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Outcome of Student Request for Review of a Decision/Action

This document should be read in conjunction the SISTC Student Complaints, Appeals and Grievances Policy and Procedures and/or the SISTC Review of Grades and Academic Appeals Policy and Procedure, which are available on the SISTC website.

Please tick one)

- Complaint
- Appeal against a decision/action
- Grievance about a decision/action

Student name:

Student number:

Date request received:

Date request acknowledged

Contact Officer:.....

Decision maker for Request for Review: **Signature:**

Date decision made:

1. Summary of complaint, appeal or grievance:

(refer to original student application for review for a full outline of matter which was subject of complaint, appeal or grievance)

2. Investigative action taken:

(outline detail and sequence, with dates)

3. Decision outcome:

OFFICE USE ONLY

Additional action or follow-up required/recommended: