

## Purpose

This Policy details the principles and processes to be followed for handling student grievances and appeals at Sydney International School of Technology and Commerce (SISTC).

## Scope

This Policy and Procedure applies to:

- current and prospective students
- former students, up to twelve months following their:
  - withdrawal
  - completion or exclusion from a SISTC program or course of study
- all staff members involved in the management of the student grievances and appeals process
- any third-party acting for or on behalf of SISTC

The processes for handling specific issues such as academic progress, academic misconduct, assessments, sexual assault or harassment, fees and refunds, and student misconduct are covered in the respective policies outlined below:

| Issues                       | Policy and Procedure  |
|------------------------------|---|
| Academic misconduct          | Academic Integrity and Misconduct Policy and Procedure                |
| Academic progress            | Academic Progress Policy and Procedure                                |
| Assessment                   | Assessment Policy and Procedure                                       |
| Discrimination               | Discrimination, Bullying, and Sexual Harassment Policy and Procedures |
| Sexual assault or harassment | Discrimination, Bullying, and Sexual Harassment Policy and Procedures |
| Student misconduct           | Student Code of Conduct   |
| Student fees and refunds     | Fees, Charges and Refund Policy                                       |

Formal staff grievances and appeals shall be dealt with in accordance with the Sydney International School of Technology and Commerce (SISTC) HR policies.

## Key Definitions

*Appeal* means an action taken 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 student lodging a formal appeal against a decision/action/matter that affects them.

*Appeal Panel* means individuals appointed to hear an appeal against a determination or decision.

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

*Complaint* means any type of approach by a student(s) in which they indicate they do not wish to resolve a grievance informally or are not satisfied with the way a decision/action/matter affecting them was handled/is being handled.

*Grievance* means an expression of dissatisfaction with some aspect of a student's experience with SISTC (including with education agents or a third party acting for or on behalf of SISTC). Grievances can be minor issues that are suitable to be addressed informally and usually resolved easily or involve a formal process for resolution (such grievances are typically known as a 'complaint' or a 'formal complaint', to distinguish them from matters that are resolved informally).

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

*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.

*Support person* means a friend, family member, counsellor or other support person to support the complainant to any meetings during the resolution process. The support person cannot be a legal practitioner.

## 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 reviewed through a confidential and independent process, incorporating internal and external review.

SISTC recognises the importance of student feedback in promoting a healthy, safe, and productive environment and provides mechanisms for students to provide regular feedback on various aspects of learning, support services and academic and non-academic matters.

Legitimate concerns and complaints are important part of that feedback and help SISTC to identify and implement strategies to address any current or potential issues.

SISTC will apply the principles of procedural fairness to grievances and complaints received, and assess them 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.

All internal processes related to the handling of grievances, complaints and appeals by students, parents or prospective students are dealt with at **no cost**.

This Policy does not restrict a student's right to access independent professional advice or pursue other legal remedies.

## A. Grievance and Complaint Process

Students are encouraged to resolve concerns or issues informally by contacting the person/s concerned directly, either verbally or in writing. This should be done as soon as possible after the concern or issue arises. This may be effective for example where there may be some misunderstanding or misinterpretation /communication breakdown.

However, a complainant may choose not to do this and proceed to make a formal complaint. The different stages of the grievance, complaints and appeals processes are outlined as follows:

### A.1. Grievance:

A student may feel uncomfortable about approaching a staff member, particularly if the complaint involves a staff member. In these cases, students are encouraged to speak to a *Student Support Officer* (SSO) to raise the matter with the individual concerned on their behalf.

The SSO will gather information from the student about the concerns and the desired outcomes that the student is seeking, and may assist in setting up a meeting with those involved. The SSO may also consult with the Dean, Associate Dean, or the Deputy Director of Student Services (DDSS) for advice and may direct the student to appropriate support services as required.

If the issue is not resolved, the student may escalate the matter as a formal complaint.

#### ***Timeframe:***

Where the grievance is urgent, the matter should be resolved as soon as possible and in any case within **5 working days** of the grievance being communicated to SISTC. Non-urgent matters will be resolved within **10 working days**. If this timing is not possible, the DDSS will advise the student of an alternative timeframe appropriate in the circumstances.

### A.2. Formal Complaint:

If a grievance is not resolved, or not suitable for informal resolution, or is of a complex or serious nature, students can make a formal complaint to [complaints@sistc.edu.au](mailto:complaints@sistc.edu.au) using the Student Complaint Form. All complaints received are entered in the *Complaints and Grievances Register*.

Written complaints must contain sufficient information necessary for the complaint to be investigated. All available information including:

- a brief description of what the complaint is about, how it arose, and who is involved
- what (if any) steps have been taken to resolve the complaint
- copies of any written communication or summary of any discussions with any SISTC staff
- any evidence, if available, to support the complaint
- what outcome the complainant is seeking

#### ***Anonymous Complaints***

SISTC does not generally respond to anonymous complaints unless they involve allegations of a serious nature, such as corruption or criminal behaviour.

## ***Acknowledgement of complaint:***

All formal complaints are acknowledged **within 3 working days** and all reasonable steps taken to finalise the process as soon as practicable.

## ***Assessment of the Complaint:***

If the grievance is complex, serious or sensitive the grievance is referred to the Chief Executive Officer (CEO) for action. In situations involving the *CEO* or the *DoO*, the Board may determine that an external party should be called on to conduct the investigation. All other academic complaints are referred to the Dean and non-academic complaints are referred to the DDSS.

Where the Dean or the DDSS determines that the complaint should be investigated under this *Policy*, they will appoint an appropriately qualified staff member as the “Investigation Officer” for the matter.

For complex, serious or sensitive grievances, the CEO will appoint an independent person as the Investigation Officer. An independent person can be a senior manager who is sufficiently independent of the complainant and the respondent.

The process for investigating complaints will be open and transparent and will have due regard for natural justice and procedural fairness principles.

The Investigation Officer may conduct interviews with the complainant and/or people mentioned in the complaint and will provide both the complainant and the person/s who are the subject of the complaint (the respondent(s)) with the opportunity to present their version of events. The complainant and the respondent may also be asked to attend face to face meetings with him/her. For face-to-face meetings, the complainant or respondent may ask another person to accompany them. The support person can be a fellow student, staff member, friend or family member, and may provide assistance with communication.

Prior to concluding the investigation, the Investigation Officer may seek advice internally or externally.

The Investigation Officer is required to provide a report of their findings within 10 working days of being appointed. At the conclusion of the investigation, the Investigating Officer may find that the complaint has been substantiated and make recommendations on any action required. or that the complaint has not been substantiated.

## ***Complaint outcome:***

The responsible person (Dean, DDSS or CEO) will examine the report and the findings and will advise the student of the outcome **within 20 working days** of the complaint being lodged.

The response to student will include:

- outline of the process undertaken
- the decision and the reasons
- appeal rights, and
- a copy of this Policy and Procedure

If the student is satisfied with the outcome, then any action arising is implemented and the complaint is closed.

If the student is dissatisfied with the response to the complaint, he or she may lodge an internal appeal.

### **A.3. 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.

### **A.4. Vexatious or Misleading Claims**

Making a formal complaint is a serious matter that can have potentially serious consequences for others. Individuals who make frivolous, vexatious or false or deliberately misleading claims in connection with a grievance or an appeal may be subject to internal disciplinary proceedings and/or external avenues for legal remedy.

Where the Investigating Officer determines the complaint is frivolous, vexatious or lacking substance, the complaint will be dismissed. The complainant is to be advised in writing and the matter closed. In such an event, the complainant may choose to lodge an internal appeal against the decision.

## **B. Appeals**

Students can lodge an internal appeal on academic or non-academic matters if dissatisfied with the outcome of a grievance/ complaint or with a decision under other policies and procedures where:

- staff have not acted fairly towards a student in their decision making
- relevant policy and procedures were not complied with in making the original decision, or
- other valid and/or special circumstances

### **B.1. Internal Appeal:**

Students can lodge an appeal with the Academic Dean for academic decisions or the DDSS for non-academic administrative decisions **within 20 working days** of the decision or outcome that is being appealed.

When lodging an appeal, the student must provide the following:

- summary of the original complaint
- complaint outcome/ decision
- grounds for the appeal
- any evidence, if available, to support the appeal

### ***Assessment of Internal Appeal:***

Acknowledgement is provided to the student **within 3 working days** of receiving the appeal, along with an indication of the anticipated timeframe for considering and resolving the appeal.

If the appeal relates to a minor grievance and the Dean or the DDSS was not involved in the original decision, then the appeal may be assessed by the Dean (academic matters) or the DDSS (non-academic matters).

For substantive matters, appeals will be referred to a *Student Appeals Committee (SAC)* for all academic matters or to the Director of Operations (DoO) for non-academic matters. For appeals related to decisions involving the CEO or the DoO, the Board may appoint independent external person/s.

The Chair of the SAC (for academic matters) or the DoO (non-academic matter) will review the application and determine whether to grant or dismiss the application.

For academic matters, if the Chair of the SAC finds that there are no grounds for appeal, or that the appeal is lacking in substance, the appeal may be dismissed without proceeding to hearing.

For non-academic matters, the DoO may consult with the Executive Management Committee (EMC) on the application and decide whether to proceed for hearing or not. If the appeal application is dismissed, appellants will receive written notification within 5 working days of the decision and informed of further appeal avenues.

### ***Appeal Hearing and Resolution:***

#### *Academic Matters:*

If the SAC Chair decides to proceed with the appeal, a meeting of the Appeals Committee will be convened **within 10 working days** after the application is received.

The SAC will consider all documentation submitted in connection with the appeal, including any written submissions from the appellant as well as any other information relevant to the appeal. The Dean or Associate Dean may present the case for the original determination.

The appellant may be accompanied or assisted by a support person but needs to advise SISTC prior to the hearing. Neither party can appoint a legal representative to represent them at the appeal hearing.

At the completion of the hearing, the SAC decision will be sent to the DSS, who will communicate the outcome in writing to the appellant **within 10 working days** of the decision being made. If for some reason the investigation or determination takes longer, the appellant will be advised in writing.

The SAC decision will include the following information:

- whether the decision:
  - confirms the original decision
  - varies the original decision, or
  - sets the decision aside and make a new decision
- reasons for the decision
- avenues for external review of the decision
- a copy of this Procedure and the associated Policy.

#### *Non-Academic Matters:*

Appeals related to non-academic matters are handled by the DoO. The DoO may hear the appeal or appoint another independent person to hear the appeal. Once a decision is made on the appeal, the decision will be communicated to the appellant **within 10 working days** of the decision being made.

A decision of the SAC and/or the DoO is final and binding on all parties. All communications and documents related to the complaint and appeal processes are kept private and confidential as outlined in the SISTC Privacy Policy. A student may request access to records of the hearing and reasons for the decision.

If the student is satisfied with the outcome of the appeal, the DSS will ensure that actions arising from the decision are implemented and the matter is closed.

If the student is dissatisfied with the decision, he or she may lodge an appeal with an independent third party under the Commonwealth or State legislation.

### *International Students:*

Except in the case of unsatisfactory progress, SISTC is obliged to report any suspension, deferral or cancellation of enrolment of an international student to the Department of Education and Training and the Department of Home Affairs regardless of any pending external appeals.

In the case of unsatisfactory progress, SISTC will report an international student in PRISMS, if the international student:

- has chosen not to access the internal complaints and appeals process within 20 working days
- has chosen not to access the external complaints and appeals process, or
- withdraws from the internal or external appeals process by notifying SISTC in writing

### **B.2. External Appeal:**

Students should make every effort to complete the internal grievance, complaints and appeals processes prior to making external complaints or lodging an external appeal.

However, a student may at any point in the complaints or appeals process choose to refer the matter to an external agency. Students need to be aware that external appeal processes are primarily concerned about whether SISTC has followed its policies and procedures in handling the complaint and appeals process.

An internal complaint or appeals process will be suspended if the matter becomes the subject of a formal external enquiry or legal action.

A student may lodge an external review or complaint with an independent third party, and/or seek a resolution via:

- independent mediation
- external agencies
- formal external appeal

### ***Independent Mediation:***

Students can seek external mediation or review through the [Resolution Institute's Student Mediation Scheme](#). Students need to complete the Resolution Institute's *Student Application for External Review Form*, and lodge the Form with the Resolution Institute noting that they are a student at SISTC and advise the DDSS that they wish to access the scheme.



Applying for an external mediation/ review with the Resolution Institute does however incur a fee. For details on those fees, students should contact the Resolution Institute. SISTC shall reimburse those costs if the recommendations of the external mediator are found in the student's favour.

### B.3. External Agencies

A student 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<br>NSW Anti-Discrimination Board<br>Victorian Equal Opportunity and Human Rights Commission |
| Fees, refunds, intellectual property rights, matters relating to competition and consumer legislation | Overseas Student Ombudsman<br>Administrative Appeals Tribunal<br>Australian Competition and Consumer Commission (ACCC)         |
| Refunds, contracts such as Letter of Offer, Terms and Conditions of Enrolment                         | NSW Office of Fair Trading<br>Consumer Affairs Victoria  |
| Campus safety   | Safework NSW<br>Worksafe Vic   |
| Privacy breach and fees and any other refunds   | NSW Civil and Administrative Tribunal (NCAT)<br>Victorian Civil and Administrative Tribunal (VCAT)                             |
| Higher Education Standards, ESOS and National Code compliance   | Tertiary Education Standards and Quality Agency (TEQSA)  |

### B.4. External Appeals Procedure for International Students

International students may lodge a formal complaint or appeal with the Overseas Student Ombudsman regarding a non-academic matter or decision of SISTC. The Ombudsman offers a free and independent service for international students who have a complaint or want to lodge an external appeal about a decision made by their private education provider. More information about the process can be obtained from the [Commonwealth Ombudsman's](#) website or by phoning 1300 362 072.

The Commonwealth Ombudsman can investigate complaints about action taken by private providers in connection with overseas students. Complaints might include:

- 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 appeal with the Commonwealth Ombudsman.

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 finds 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 finds 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 (DoE) and the Department of Home Affairs, 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 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.

## **B.5. 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.

In the event that internal resolution to a complaint cannot be reached, students may elect for the matter to be resolved through external mediation. The external mediation and dispute process shall be facilitated by the Resolution Institute.

Students who wish to seek an external review should contact the Resolution Institute directly within 20 working days of the receipt of *Outcome of Student Request for Review of a Decision/Action*:

Applying for an external review with the *Resolution Institute* shall incur a fee that shall have to be paid by the person seeking the review. For details on the fees, students should contact the *Resolution Institute*. SISTC shall reimburse these costs if the recommendations of the external mediator are found in the student's favour.

The student may ask another person to accompany them to external mediation meetings. The support person cannot be a legal practitioner and may only speak at the mediator's discretion.

SISTC agrees to participate in the mediation process and be bound by the recommendations of the

external mediator. The *Dean* and *Chief Operating Officer* shall ensure recommendations are actioned in a timely manner.

If a grievance still remains unresolved after the external mediation and dispute resolution process, the complainant may decide to refer the matter to an external agency, such as the Consumer Protection Agency.

## Complaints About SISTC

Students may lodge a complaint or concern about SISTC at any time by contacting the [Tertiary Education Quality and Standards Agency](#).

## Record Keeping

Accurate and complete records of all grievances, complaints and appeals are kept in accordance with the *SISTC Records and Information Management Policy* and recorded on the student's record. Both parties can access these records upon written request.

All records are considered private and confidential and will be treated in accordance with the *Privacy Policy*.

## Conflict of Interest

A participant may disqualify themselves from participating in grievance/ complaint handling processes should they consider that their involvement would create a conflict of interest. Any participant who perceives a possible conflict of interest should report the matter to the DoO for a determination on what action is appropriate, and the DoO 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 DoO 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 HR Policies.

## 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 DoO 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 each meeting of the Academic Board, a report on the number of complaints, nature of complaints, complaints resolved, involvement of external agencies, and any attention required from the Academic Board.

The DoO (through the CEO/Academic Board) will provide an annual report to the *Board of Directors* in relation to complaints, appeal, and grievances.

## Relevant Legislation and Standards

*Higher Education Standards Framework (Threshold Standards) 2021 Domain 2*

*National Code 2018 Part D, Standards 9 and 10*

*Tertiary Education Quality and Standards Agency Act 2011*

*Education Services for Overseas Students Act 2000*

*Higher Education Support Act 2003*

## Key Related Documents

*SISTC Assessment Policy and Procedures*

*SISTC Equity and Diversity Policy*

*SISTC Anti-Discrimination Policy*

*SISTC Academic Progress Policy and Procedure*

*SISTC Academic Integrity and Misconduct Policy and Procedures*

*SISTC Sexual Misconduct Prevention and Response Policy*

*SISTC Records and Information Management Policy*

*SISTC Review of Grades and Academic Appeals Policy and Procedures*

*SISTC Staff Complaints, Appeals and Grievances Policy*

*SISTC Staff Rights and Obligations Policy*

*SISTC Student Rights and Obligations Policy*

## Document History

|                                 |   |
|---------------------------------|---|
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| Approval Authority /Authorities | Board of Directors  |
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