

# Higher Education Student Non-Academic Grievance and Appeals Policy

## Policy Information

<b>Policy Name:</b>	Higher Education Student Non-Academic Grievance and Appeals
<b>Policy Number:</b>	619
<b>Current Version:</b>	06 – 14/12/2010
<b>Purpose:</b>	This policy provides information relating to Grievances and Appeals for students and persons seeking to enrol ( <i>HESA – 19-45</i> ). The Grievance and Appeals process is at no cost to the complainant, and is applicable regardless of the location of the Southbank Institute of Technology (SBIT) campus at which the Grievance or Appeal has arisen, the complainant's place of residence or the mode in which they study.
<b>Scope:</b>	This policy applies to both students and persons seeking to enrol in a Higher Education program at SBIT. The Higher Education Student Non-Academic Grievances and Appeals policy relates to SBIT activities including behavioural misconduct, non-payment of fees, matters relating to a person's application for study and the management of personal information.
<b>Exceptions:</b>	This policy applies to Grievances and Appeals raised by Higher Education students enrolled at SBIT or persons applying to enrol at SBIT with the following exception: <ul style="list-style-type: none"> <li>▪ Academic Misconduct and Appeals refer to Higher Education Student Rules Sections 16 and 17.1 and</li> <li>▪ SBIT Policy No. <a href="#">620</a> – Higher Education Student Academic Grievances and Appeals</li> </ul>
<b>Policy Owner:</b>	Chief Operating Officer
<b>Policy Author:</b>	Academic Director, Higher Education, Terry Clark
<b>Related policies and legislation:</b>	<ul style="list-style-type: none"> <li>▪ Higher Education Support Act Section 19-45 <a href="http://fedlaw.gov.au/comlaw/Legislation/ActCompilation1.nsf/0/91FD9474C87B50A0CA256F85000DEF57/\$file/HigherEducationSupport2003WD02.pdf">http://fedlaw.gov.au/comlaw/Legislation/ActCompilation1.nsf/0/91FD9474C87B50A0CA256F85000DEF57/\$file/HigherEducationSupport2003WD02.pdf</a></li> <li>▪ Education Services for Overseas Students (ESOS) Act 2000 <a href="http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/0/947647C7A9B9EEA9CA2573080037454D/\$file/EduSerforOverStud2000_WD02.pdf">http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/0/947647C7A9B9EEA9CA2573080037454D/\$file/EduSerforOverStud2000_WD02.pdf</a></li> <li>▪ Migration Act 1958 <a href="http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/0/E3777FF67D890E2CCA2570C000162C55/\$file/Migration1958Vol1_WD02.pdf">http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/0/E3777FF67D890E2CCA2570C000162C55/\$file/Migration1958Vol1_WD02.pdf</a></li> <li>▪ National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (The National Code) 2007 Standard 8 Complaints and Appeals <a href="http://aei.gov.au/AEI/ESOS/NationalCodeOfPractice2007/National_Code_2007_pdf.pdf">http://aei.gov.au/AEI/ESOS/NationalCodeOfPractice2007/National_Code_2007_pdf.pdf</a></li> <li>▪ Department of Education Employment and Workplace Relations (DEEWR) - Department of Immigration and Citizenship (DIAC) Course Progress Policy and Procedures for CRICOS Providers of Vocational Education Training</li> <li>▪ AQTF Standard 2.6 Complaints and appeals are addressed efficiently and effectively</li> </ul>
<b>Internal procedures</b>	<ul style="list-style-type: none"> <li>▪ SBIT Procedure No. <a href="#">6009</a> – Complaint Against Person</li> </ul>

<b>guided by this policy:</b>	<ul style="list-style-type: none"> <li>▪ SBIT Procedure No. <a href="#">1203</a> – Client Feedback (Have Your Say)</li> <li>▪ SBIT Procedure No. <a href="#">6017</a> – International Student Appeals</li> <li>▪ SBIT Procedure No. <a href="#">6019</a> – Higher Education Student Non-Academic Grievance and Appeals</li> </ul>
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## Policy

The purpose of an internal appeal process is to have unfavourable decisions heard and/or reconsidered by relevant staff within SBIT.

Should a complainant be dissatisfied with the outcome of the internal appeals process, they have the right to take their case to an external independent body. The purpose of an external appeal process is to consider whether SBIT has followed its policies and procedures. The purpose of an external appeals process is not to make a decision in place of SBIT.

### 1.0 General Information

- Non-academic grievances may include but are not limited to: behavioural misconduct, non-payment of fees, matters relating to a person's application for study, and the management of personal information.
- FEE-HELP Non-Academic Grievances and Appeals should be submitted using the 'Higher Education Non-Academic Grievance and Appeal Form'.
- Complaints about SBIT staff are processed in accordance with SBIT Procedure No. [6009](#) – Student Complaint.
- Complainants' may provide feedback on products and services offered by SBIT in accordance with SBIT Procedure No. [1203](#) – Client Feedback (Have Your Say).
- Appeals regarding Academic Misconduct matters are processed in accordance with the SBIT Higher Education Student Academic Grievance and Appeals Policy.
- The information set out in this document does not replace or modify procedures or any other responsibilities which may arise under other Higher Education Provider policies or under statute or any other law.

### 2.0 Appeals Information

- A complainant has the opportunity to formally present their case at no cost.
- A complainant will not be victimised or discriminated against in any stage of the process outlined in this policy.
- The Grievance or Appeal must be lodged within 20 working days of the date the decision was communicated to the complainant in writing by the SBIT Mediator. If the appeal is not lodged within the specified timeframe, the decision will stand.
- The Appeals process will be finalised and communicated to the complainant within 20 working days of the formal lodgement of the 'Higher Education Non-Academic Grievance and Appeal Form' and relevant supporting documentation.
- The complainant and/or respondent has the right to be accompanied and assisted by a support person in every relevant meeting they attend.
- The complainant and/or respondent will be provided with a written statement of the outcome of the internal appeals process within 5 working days of the appeal hearing, including details of the reasons for the outcome, and any actions to be undertaken.
- A complainant's enrolment will be maintained, and the complainant is required to attend all classes during an internal appeals process.
- SBIT will not report an international student to DEEWR or DIAC whilst an internal appeal is being heard.
- Complainants' who wish to exercise their right to have their case heard by an external body, must notify the Chief Operating Officer within 5 working days of receiving written notification of the outcome of the internal appeals process.
- International complainants' who wish to exercise their right to have their case heard by an external body, must notify International Student Administration within 5 working days of receiving written notification of the outcome of the internal appeals process.

- If a complainant is dissatisfied with the SBIT appeals process, they can contact the Queensland Ombudsman's Office <http://www.ombudsman.qld.gov.au/AboutUs.aspx>
- The Ombudsman will only intervene where SBIT's appeals process was not conducted correctly or if SBIT did not make the appeals process available to the complainant.
- In the case of appeals relating to non-payment of fees, SBIT will await the outcome of the internal appeals process only, before reporting an international student to DEEWR via PRISMS.
- Complainants are required to immediately advise SBIT of the outcome of the external appeals process.
- Records of all Grievances and Appeals must be kept and be accessible to all interested parties for a period of 7 years. Such records will remain confidential. Parties to the complaint will be allowed supervised access to these records.

### **3.0 Internal Appeals**

Complainants have the right to appeal decisions which they consider to be unfavourable and/or unreasonable in relation to:

- Behavioural misconduct;
- Non-payment of fees;
- Matters related to a person's application to enrol in a course of study at SBIT;
- Matters related to privacy principles and the management of personal information.

In the first instance, complaints should be discussed informally with the person/s involved. However, if this is impracticable, complainants should lodge a formal complaint with a SBIT student mediator. A mediator can be contacted via the Student Services Centre Block C1.

This arrangement is free of charge. A decision will be made within 15 working days.

If this does not resolve the complaint, complainants may submit their appeal in writing by completing a 'Higher Education Non-Academic Grievance and Appeal Form' for consideration by the Higher Education Non-Academic Appeals Panel. All documentation lodged must be original documents or certified copies, no photocopies or facsimiles will be accepted.

Complainants must outline the decision and reasons for the Appeal, including any compassionate or compelling circumstances, and may provide documentary evidence in support of their appeal. Appeals must be received within 20 days of receiving notification of the original decision.

Lodging Non-Academic Grievance and Appeal Forms:

By mail:

Chief Operating Officer  
Locked Mail Bag 14  
South Brisbane QLD 4101

In person:

Chief Operating Officer  
Southbank Institute of Technology  
Level 7, C Block  
66 Ernest Street  
South Brisbane QLD 4101

### **3.1 Outcome of Internal Appeals**

The Appeals Panel will review the application and provide the complainant with a written statement including details of the reasons for the outcome, and any actions to be undertaken. A complainant, who is not satisfied with the result of the internal appeals process, has the right to pursue the external appeal processes as outlined below.

### **4.0 External Appeals**

Should a complainant be dissatisfied with the outcome of the internal appeals process, they have the right to take their case to an external independent body.

International complainants who wish to exercise their right to have their case heard by an external body, must notify International Student Administration within 5 working days of receiving written notification of the outcome of the internal appeals process.

The purpose of an external appeal process is to consider whether SBIT has followed its policies and procedures. The purpose of an external appeals process is not to make a decision in place of SBIT. For example, if a complainant takes their case to the external body (following the internal appeals process) appealing against SBIT's decision to exclude them for behavioural misconduct, the external appeals process would look at the way in which the internal appeal was conducted. The external body would not make a determination as to whether the complainant should be deemed to have engaged in behavioural misconduct.

Complainants may refer their appeal to the Queensland Ombudsman's office. There is no cost for lodging appeals. The Ombudsman will investigate the case, make an assessment and advise the complainant of the outcome. The Ombudsman's Office will also notify SBIT of the outcome of the external appeal.

Further information is available at [www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au) or by contacting the Queensland Ombudsman's office on:

Tel: 07 3005 7000

Toll Free (outside Brisbane): 1800 068 908

Fax: 07 3005 7067

TTY: 3006 8174

Email: [ombudsman@ombudsman.qld.gov.au](mailto:ombudsman@ombudsman.qld.gov.au)

Lodging Appeals with the Queensland Ombudsman's Office:

By mail:

GPO Box 3314

Brisbane QLD 4001

In person:

Level 25, 288 Edward Street

Brisbane QLD 4000

The Queensland Ombudsman's office may take several weeks to investigate the complainant's appeal. Should international students have concerns regarding their student visa during this time, they should advise administration staff in International Student Administration at SBIT.

Complainants may also seek advice about further avenues of external appeal from:

The Director, Office of Higher Education, PO Box 1503 City East Queensland 4002, Tel 07 3237 0390.

Please note that the Office of Higher Education will not arbitrate on the matter being appealed.

#### **4.1 Outcome of External Appeals**

If the Queensland Ombudsman makes recommendations in relation to a Grievance or Appeal they have reviewed, the Ombudsman will forward those recommendations to the Institute Director & CEO of SBIT who will ensure that the recommendations are implemented within 60 days.

## Glossary of Terms/Definitions

Terms	Definitions
<a href="#">Appeal</a>	Request by a complainant to have a matter heard and/or re-considered after receiving an unfavourable decision.
<a href="#">Appeals Panel</a>	A panel formed to hear Higher Education Non-Academic Grievance and Appeals. The panel will comprise of a Faculty Director, the Chief Operating Officer and the Manager, Student Services or their delegates provided none of these persons has been previously involved in the matter being appealed.
<a href="#">Compassionate or Compelling Circumstances</a>	Circumstances considered to be beyond the control of the complainant and may include: Serious injury (a medical certificate is provided) Bereavement of close family members ( a death certificate may be provided) Major political upheaval or natural disaster in their home country A traumatic experience (ie car accident; witnessing a crime or being involved in a crime etc).
<a href="#">Complainant (Academic &amp; Non-Academic Grievances &amp; Appeals)</a>	A student or person seeking to enrol in a higher education course, who makes a complaint to SBIT.
<a href="#">CRICOS</a>	Commonwealth Register for Institutions and Courses for Overseas Students
<a href="#">DEEWR</a>	Department of Education Employment and Workplace Relations – previously known as DEST
<a href="#">DIAC</a>	Department of Immigration and Citizenship
<a href="#">External Appeal</a>	Appeal heard by a party external to SBIT.
<a href="#">FEE-HELP</a>	Commonwealth Government loan scheme which assists eligible students to pay their tuition fees, when they enrol in a Higher Education course of study undertaken with a body which is approved as a provider under the <i>Higher Education Support Act 2003 (HESA)</i>
<a href="#">Grievance</a>	A cause of dissatisfaction where the complainant has an honest belief, based on reasonable grounds, that a non-academic decision and/or action, or an administrative decision and/or action, or the behaviour of another person or staff member is unfair and/or unreasonable.
<a href="#">HYS</a>	Have Your Say – Procedure for complainants to provide feedback on the products or services offered by SBIT.
<a href="#">Internal Appeal</a>	Appeal heard by staff and/or content experts within Southbank Institute of Technology
<a href="#">Mediator</a>	A designated member of SBIT staff who will attempt to resolve the complainants' Non-Academic Grievance or Appeal.
<a href="#">Ombudsman</a>	The Queensland Ombudsman's Office is an independent complaints investigation agency. The Ombudsman investigates complaints about the actions and decisions of Queensland public agencies and their staff that may be unlawful, unreasonable, unfair, improperly discriminatory or otherwise wrong.
<a href="#">PRISMS</a>	Provider Registration and International Students Management System. The management information system used by DEEWR and DIAC to record international student program enrolment details.
<a href="#">SBIT</a>	Southbank Institute of Technology

## Revision History

Revision Date:	Status: (Draft/Final)	Summary of Changes	Prepared/Approved By:	Revision #:
11/08/2008	Final	Policy established	Academic Director, Higher Education	01
03/04/2009	Final	Changes made according to requirements of DEEWR and in line with procedure	FEE-HELP Coordinator	02
18/05/2009	Final	Policy endorsed by Institute Board	Institute Board	03
17/09/2009	Final	Final review with minor updates to terminology	FEE-HELP Coordinator	04
04/03/2010	Final	Minor changes to ensure FEE-HELP compliance	FEE-HELP Coordinator	05
14/12/2010	Final	Reviewed with changes to policy owner, hyperlinks added to glossary and change to new policy template	Academic Director, Higher Education	06

## Distribution

- All Directors
- All educational staff dealing with Higher Education students or persons seeking to enrol
- All non-educational staff dealing with Higher Education students or persons seeking to enrol
- Students and persons seeking to enrol at SBIT (via the SBIT website)