## Complaints and Appeals Policy and Procedure

<table>
<thead>
<tr>
<th>Name of Policy</th>
<th>Complaints and Appeals Policy and Procedure</th>
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<tr>
<td>Responsible person to monitor and interpret</td>
<td>Chief Operating Officer</td>
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**Contact address**

28-32 Elizabeth Street
Melbourne, VIC 3000
GPO BOX 5466
Contact: +61 3 8639 9000
[http://www.rgit.edu.au](http://www.rgit.edu.au)
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Complaints and Appeals Policy and Procedure

Version: 9  
Date Created: October 2013  
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Responsibility: Operations & Compliance  
Last Reviewed: December 2014
1. Policy Objectives
The objective of the policy is to ensure complaints and appeals are acknowledged, recorded and dealt with fairly, efficiently and effectively.

2. Scope
This policy applies to both international and domestic students at the Institute and studying with third parties who deliver RGIT's services. It is designed for the satisfactory resolution of complaints and appeals.

3. Responsibility
• The Chief Operating Officer is responsible for implementation of these procedures and ensuring that staff and students are made aware of its application.
• All students and staff are expected to conduct themselves in a manner that respects the dignity and welfare of other Institute members and to show care, good faith and compliance with all reasonable instructions, policies and procedures in the performance of their duties and in undertaking their studies.

4. Definitions
Student: any person enrolled as a student at RGIT Australia.
Complaint: an expression of dissatisfaction with a service or a decision or action of the Institute or an expression of dissatisfaction with an action by a student.
Appeal: a student request to the Institute to overturn or change a previous decision made by the Institute with which the student is dissatisfied.
Complainant: person making the complaint.
Respondent: person who responds to a student complaint.
Natural Justice: means general procedural fairness in the handling of complaints and appeals that involves all of the following elements:

- The right to a fair hearing
- The right to attend hearings with a friend or support person, if required
- The opportunity for all parties involved to be heard
- The Respondent having full knowledge of the nature and substance of the grievance
- The Complainant not determining the outcome, but may be a party to it
- The right to independent, unbiased decision-making
- A final decision that is based solely on the relevant evidence.

5. Requirements
- All prospective students will be provided with information about the Complaints and Appeals Policy and Procedure before making an agreement to enrol.
- The principles of Natural Justice shall apply to student complaints and appeals proceedings.
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and Procedure

- Students who are concerned about the conduct of the training provider are encouraged to attempt to resolve their concerns using these procedures.
- Students will be provided with details of external authorities they may approach, if required.
- All complaints and appeals need to be handled professionally and confidentially in order to achieve a satisfactory resolution. For internal complaints and appeals:
  a. the student will have an opportunity to formally present their case, in writing or in person and at no cost to the student
  b. the student may be accompanied and assisted by a support person at any relevant meetings
  c. at the conclusion of the complaint or appeal, the student will be given a written statement of the outcome, including details of the reasons for the outcome.

- A student’s enrolment must be maintained while an internal complaint or appeal is in progress and the outcome has not been determined.
- The Institute will encourage the parties to approach a complaint or appeal with an open view and attempt to resolve problems through discussion and conciliation. Where a complaint or appeal cannot be resolved through discussion and conciliation, there may be the need for an appropriate external and independent agent to review the process implemented by the Institute.
- If there is any matter arising from a student complaint or appeal that is a systemic issue that requires improvement action, this will be reported to the Institute’s management meeting as part of the Continuous Improvement Process.
- Nothing in this policy restricts the student’s right to pursue other legal remedies, nor does the availability of dispute resolution processes remove the right of the student to take action under Australia’s consumer protection laws.

6. Policy Statement
This policy:

- ensures that the principles of Natural Justice and procedural fairness are adopted at every stage of the complaint and appeal process;
- sets out the procedure for making a complaint or requesting an appeal;
- ensures complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable;
- ensures that the outcome of the complaint or appeal will be made available to the complainant or appellant;
- provides for a review by an appropriate and independent party at the request of the individual making the complaint or appeal if the process fails to resolve the complaint or appeal;
- ensures that records of all complaints and appeals and their outcomes will be securely maintained;
- identifies potential causes of complaints and appeals and takes appropriate corrective action.
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7. Procedures

7.1 Informal Complaint Process
- Any student with a complaint may first raise the issue informally with a Student Support Officer, Trainer or other relevant staff member and attempt an informal resolution of the complaint.
- Complaints dealt with in this way do not become part of the formal complaint process and will not be documented, recorded or reported on unless the Institute staff involved determines that the issue in question or complaint is relevant to the wider operation of the Institute.
- Students who are not satisfied with the outcome of the complaint will be advised to register a formal complaint.

7.2 Formal Complaint Process
- Students not satisfied with the outcome of the informal process can register a formal complaint in writing.
- To register a formal complaint a student must complete and lodge a Student Complaints Form with Student Services providing:
  a. a clear statement of the complaint, including the parties involved
  b. a suggested solution that the student believes would settle the complaint (e.g. an appropriate solution will focus on achieving a productive study environment or relationship, rather than apportioning blame).
- The resolution phase will commence within 10 working days of the complaint being lodged in writing.
- The Student Services Manager or nominee will determine whether the subject matter falls within the definition of a complaint. This period is called the resolution phase.
- Where it is determined that the subject matter falls within the definition, the Student Services Manager or nominee will:
  a. gather such information as required to assist with the settlement of the complaint, including providing the respondent with the statement of the complaint and giving them the opportunity to respond
  b. attempt to resolve the complaint by using the process outlined by the student for settlement (if appropriate) or through meeting, mediation and/or conciliation.
- Where it is determined that the subject matter of the complaint falls outside the definition of a complaint, the Student Services Manager or nominee may dismiss a complaint if, in their view, the complaint is ill-advised, misguided, frivolous, malicious or vexatious.
- At the conclusion of the resolution phase, the Student Services Manager or nominee will write to both the student and Respondent indicating the outcome of the process and specifying any action that has been agreed upon by the parties as part of that process.
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- The Institute’s decision and reasons for the decision will be documented by the Student Services Manager, or nominee, and placed in the student’s file.
- If a student is dissatisfied with the outcome of the formal complaint process, they may initiate an internal appeal process by completing a Student Appeal Form.

8. Internal Appeals Process

- Internal appeals may arise from a number of sources including appeals against assessment outcomes, appeals against disciplinary actions or decisions arising from complaints. The essential nature of an appeal is that it is a request by a student to reconsider a decision made by the Institute.
- An Internal Appeal Process is initiated by a student by lodging a Student Appeal Form with Student Services.
- Where an appeal relates to the following matters, the Student Appeals Form must be lodged within 20 working days (International Students):
  a. notification of an intention to report the student to the Department of Immigration and Border Protection (DIBP) for non-attendance or Unsatisfactory Course Progress
  b. notification of an intention to suspend or cancel a student’s enrolment due to misbehaviour, or other extenuating circumstances (ref. Student Code of Behaviour and Discipline Procedures for details).
- Within 10 working days of receiving the Student Appeal Form, the Head of the Department or nominee will appoint an Investigator or convene a Student Appeal Committee to hear the appeals and propose a final resolution. This Investigator or Committee must not include any person who heard the original complaint. The Investigator or the Student Appeals Committee will:
  a. meet with the student (and support person, if present) and provide the student with the opportunity to present their case and any supporting evidence they bring to the meeting
  b. at the conclusion of the meeting, will inform the student of the timeframe within which the Institute will provide a written outcome of the appeal. The timeframe will generally be 10 working days. After the meeting, the Investigator or Committee will, impartially, consider all the evidence and make a decision.
- The outcome will be documented and will include the reasons for the decision. If the decision goes against the student, the outcome will include information for the student about his or her right to an external appeal and details of suitable external appeal bodies.
- The outcome of the internal appeals process and reasons for the outcome will be recorded in writing and signed and dated by the student and the Institute and placed in the student’s file.
- Students, if you need help with an appeal, please see the Student Counsellor.
9. External Appeals Process

- The external appeals process involves an independent mediator.
- The purpose of the external appeals process is to consider whether RGIT has followed its Student Complaints and Appeals Procedure, it is not to make a decision in place of the Institute’s decision. For example, if a student appeals against his or her assessment results and goes through the Institute’s internal appeals process, the external appeals process (if accessed) would look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be.

9.1 International Students

- If an international student finds no satisfaction with the internal appeal process, the student is advised to request mediation through the Overseas Student Ombudsman (OSO). Students have within 10 working days of receiving the outcomes of the internal appeal process to lodge an appeal to the Ombudsman.
- There may be a fee involved, as per the Overseas Student Ombudsman guidelines.
- If an appeal is against the Institute’s decision to report an international student for a breach of visa conditions, the Institute must maintain the student’s enrolment (i.e., not report the student to DIBP) until the external appeals process is complete and has supported the provider’s decision to report.
- International students may only appeal once to an external mediator before the Institute reports the student to DIBP. This does not stop the student from appealing more than once, but the Institute reserves the right to report the student after the outcome of the first external appeal when the appeal decision has gone against the student.
- If an appeal is against the Institute’s decision to defer, suspend or cancel a student’s enrolment due to misbehavior, the Institute only needs to await the outcome of the internal appeals process (supporting the Institute) before implementing its decision to change the student’s enrolment status.
- These complaints and appeal procedures do not restrict a student’s right to pursue other external remedies within the Australian legal system.

To find out more about what the Ombudsman for international students can do for you, go to: [http://www.oso.gov.au](http://www.oso.gov.au)

To lodge an external appeal or complaint with the Ombudsman, you need to fill in a complaint form at: [https://forms.business.gov.au/aba/ombudsman/overseas-students-ombudsman-complaint-form](https://forms.business.gov.au/aba/ombudsman/overseas-students-ombudsman-complaint-form)

You can also ring the Overseas Student Ombudsman’s office on:
1300 362 072 (within Australia)
+61 2 6276 0111 (if calling outside Australia)
9.2 Domestic Students

- The Ombudsman or Dispute Assessment Officer will consider a student’s appeal and make a decision. The student will be provided with a written copy of the outcome.
- There may be costs involved to the student.
- Please note that these complaints and appeal procedures do not restrict a student’s right to pursue other legal outlets within the Australian legal system.
- Following receipt of the outcome of the external appeal, the Institute will immediately implement the decision and convey the outcome to the student.
- If an appeal is against the Institute’s decision to defer, suspend or cancel a domestic student’s enrolment due to misbehavior, the Institute only needs to await the outcome of the internal appeals process (supporting the provider) before implementing its decision to change the student’s enrolment status.
10. The Student Complaints and Appeals Procedures Flowchart

**INFORMAL COMPLAINT PROCESS**

You can discuss the issue with your Teacher/Trainer or a Student Counsellor or a Student Services Officer.

**FORMAL COMPLAINT PROCESS**

If you are not satisfied, you can put your case in writing to the Student Administration Manager or nominee. You should use the Student Complaints Form to lodge your formal complaint. This form can be obtained from Student Services reception. The Student Administration Manager or nominee will investigate the complaint. A decision will be made within 10 working days and you will be notified in writing.

**INTERNAL APPEAL PROCESS**

If you are still not satisfied with the decision or complaints resolution, a written appeal can be lodged using the Student Appeal Form available at reception. The Institute will convene a Student Appeal Committee meeting to hear the appeal within 10 days of you lodging your appeal in writing so that you can discuss your concerns. You will be advised in writing of the outcome within 10 working days of the meeting.

**EXTERNAL APPEAL PROCESS**

If you are not satisfied with the outcome of the internal appeal, a written appeal can be lodged with an independent external agency for mediation within 10 working days of receiving the outcome of the internal appeal.

- **International students** can request mediation through the Overseas Student Ombudsman. Go to [http://www.oso.gov.au](http://www.oso.gov.au) for information about how this office can assist you, or call: 1300 362 072 (in Australia) or +61 2 6276 0111 (if calling outside Australia).


If you need help with the appeal, contact the Student Counsellor or Student Services.
# Complaints and Appeals Policy and Procedure

**Associated Documents**
- Student Complaints Form
- Student Internal Appeals Form

## Revision history

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<td>1</td>
<td>June 2008</td>
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<td>2</td>
<td>June 2009</td>
<td>Updated External Appeal Process</td>
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<td>3</td>
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<tr>
<td>6</td>
<td>August 2012</td>
<td>OSO and other minor details revised</td>
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<td>7</td>
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