

# Complaints and Appeals Policy and Procedure (International Students)



## 1. Purpose

This Complaints and Appeals Policy and Procedure is designed to ensure that RGIT responds effectively and efficiently to individual cases of dissatisfaction in accordance with the requirements of National Code Part D Standard 8.

## 2. Scope

This policy and procedure applies to both enrolled and prospective RGIT students.

## 3. Responsibility

The Chief Executive Officer (CEO) is responsible for the implementation of this policy and procedure and ensuring that staff and students are made aware of its application.

## 4. Definitions

**Academic matters** include those matters which relate to student progress, assessment, course content or awards in a VET course of study.

**Appeal** refers to the process where a student requests for the case to be reviewed if dissatisfied with a decision made by RGIT.

**Complaint** means a person's expression of dissatisfaction with any service provided by RGIT including academic and non-academic matters.

**Complainant** refers to a person who has lodged a complaint with RGIT.

**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 complaint
- 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.

**Non-academic matters** include those matters related to student enrolment, induction, or orientation process, quality of education and discrimination or harassment that the student may have experienced.

## 5. Policy

RGIT understands that on occasion, there may be instances of dissatisfaction and acknowledges that the cause(s) must be addressed and rectified promptly.

This Complaints and Appeals Policy and Procedure will be provided to all staff and students as part of staff induction and student orientation programs and will be made publicly available on RGIT website [www.rgit.edu.au](http://www.rgit.edu.au).

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RGIT will ensure that:

- All prospective students will be provided with information about the Complaints and Appeals Policy and Procedure prior to enrolment.
- The principles of Natural Justice shall apply to student complaints and appeals proceedings.
- Students will be provided with details of external appeal authorities they may approach, if required.
- All complaints and appeals will be handled professionally and confidentially. 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 appeal meeting, the student will be given a written statement of the outcome, including details of the reasons for the outcome.
- A student's enrolment will be maintained while an internal complaint or appeal is in progress.
- The Institute will encourage the parties to approach a complaint or appeal with an open view and to attempt to resolve problems through discussion and conciliation.
- Where a complaint or appeal cannot be resolved through conciliation, the student may contact an appropriate external and independent agent to review the decision implemented by the Institute.
- If a student complaint or appeal highlights a systemic issue requiring change, the issue will be reported at 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. Procedure

### 6.1 Informal Complaint Process

- Any student with a complaint is encouraged to 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

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involved determine that the issue in question or complaint is relevant to the wider operation of RGIT.

- Students not satisfied with the outcome of the complaint will be advised to register a formal complaint.

## 6.2 Formal Complaint Process

### Formal Complaint Commencement

- 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 clear statement of the complaint, including the parties involved
  - 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

- 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:
  - gather such information as required to assist with the settlement of the complaint
  - 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 will advise the student accordingly. 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 the student 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 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.

## 7. Internal Appeals Process

- Internal appeals may arise from a number of sources including appeals against assessment outcomes, appeals against discipline actions and appeals against 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 RGIT.
- An Internal Appeal Process is initiated by a student by lodging a Student Appeal Form with Student Services.
- Within 10 working days of receiving the Student Appeal Form, the CEO or nominee will convene an investigator or Student Appeal Committee to hear the appeal 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:
  - 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
  - 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 of his or her right to an external appeal. Details of suitable external appeal bodies will be made available to the student.
- 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 needing help with an appeal may contact a Student Counsellor.

## 8. 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 assessment result should be.

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Students are advised to contact Ombudsman offices in their respective states.

- The Ombudsman or Dispute Assessment Officer will consider a students' appeal and make a decision. The students will be provided with a written copy of the outcome.
- Please note that these complaints and appeal procedures do not restrict a student's right to pursue other legal remedies through 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 misbehaviour, 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.

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## The Student Complaint and Appeal Procedures flowchart

