

Student Complaints and Appeals Policy

Section 1 - Purpose

- (1) This policy has been developed to ensure all current and prospective students of SIBT are given access to a fair, effective and equitable complaints resolution and appeals process.
- (2) This policy must be read and understood in conjunction with related SIBT policies, including but not limited to:
 - a. Student Complaints and Appeals Procedure
 - b. SIBT Informal Complaint Form
 - c. SIBT Formal Complaint Form
 - d. SIBT Appeals Application Form
 - e. Grade Review and Appeal Policy
 - f. Student Code of Conduct Policy
 - g. Refund Policy

Section 2 - Definitions

- a. *Complaint* - An expression of dissatisfaction occurring as a result of routine SIBT operations
- b. *Appeal* - A formal process to challenge a decision made on a particular matter
- c. *Complainant* - means the student or prospective student who has initiated the complaint.
- d. *Appellant* - means the student or prospective student who has lodged an appeal
- e. *Respondent* - A person responding to a complaint or appeal
- f. *Relevant Manager* - The SIBT staff member responsible for consideration of a complaint or appeal

Section 3 - Application

This policy is applicable to all persons who seek to enrol in a course of study at SIBT and current students of SIBT.

This policy governs student complaints on academic and non-academic matters and appeals on academic and non-academic decisions.

Section 4 - Policy Statement

Any current or prospective student of SIBT who believes they have experienced incorrect, inappropriate or unfair treatment in the course of their relationship with SIBT is entitled to access the complaints and appeals process set out in this policy, regardless of the location of the campus at which the matter has arisen, the student's place of residence or the mode in which they study.

The complainant / appellant has the right to raise a complaint or appeal, and to have that matter considered with courtesy, in a timely fashion and without fear of prejudicial treatment.

This policy has been developed in line with the Higher Education Standards Framework (Threshold Standards) 2021; National Code of Practice for Providers of Education and Training to Overseas Students 2018; the Higher Education Support Act 2003 (Cth); and the Higher Education Provider Guidelines 2012.

SIBT believes complaints and appeals should be resolved wherever possible and appropriate at the informal level with a minimum of formal procedures. An informal process, involving discussion between a student and a member of staff may be conducted in each case to try to resolve the issue prior to a formal complaint or appeal being lodged.

Section 5 - Policy Principles

The principles which underpin this policy are as follows:

- The consideration of complaints and appeals will be dealt with according to principles of procedural fairness which respect the right of a complainant or appellant to be heard by an impartial party;
- In all matters of dissatisfaction, students and staff should attempt to resolve the conflict informally in a cooperative manner. If this is not possible, or the outcome is unsatisfactory, the formal process may be commenced. It is best practice that issues are resolved as close to the source as possible.
- Complainants, appellants and respondents will not be subject to discrimination or harassment resulting from their participation in the complaints or appeal process;
- SIBT will make all attempts to respond to complaints within the time limits set out in this policy;
- The SIBT Complaints and Appeals Policy and Procedure will be made available to the public on the SIBT website;
- Complainants, appellants and/or respondents have the right to be represented, or accompanied, by a third party (such as a family member, friend, counsellor, or other professional support person other than a qualified legal practitioner) if they so desire;
- All communications arising from the complaints process, together with the proceedings of the Appeals Committee, will remain confidential, except to the extent necessary to give effect to this policy.
- Where the appeal relates to suspension of enrolment, students may maintain their enrolled status whilst awaiting the outcome of the appeal.
- If, at any time during the internal or external appeals process, a decision is made which supports the appellant, SIBT will immediately implement the decision and advise the appellant of the outcome.
- SIBT Student Learning Advisors and Student Counsellor are available to assist students with preparing a written appeal. The Student Learning Advisor and Student Counsellor cannot give advice regarding the likelihood of success.

Section 6 – Complaints and Appeals

SIBT recognises two types of Complaints and Appeals:

1. Academic – related to delivery of courses and units of study at SIBT or about academic decisions made by academic staff at SIBT. These may include, but are not be limited to:
 - Dissatisfaction with the content/design/delivery of a unit.
 - Dissatisfaction with the clarity of an assessment.
 - Dissatisfaction with feedback provided by a teaching staff member.
 - Assessment and text/exam results.
 - Conferral of Awards.
2. Non-Academic – related to service and facilities provided by SIBT or to non-academic decisions, usually made by professional staff at SIBT. These may include, but are not be limited to:
 - a. Refund dispute.
 - b. Intention to cancel enrolment due to non-attendance, non-payment of fees or non-progression.
 - c. The administration of admission, enrolment, examination and completion.
 - d. Dissatisfaction with service and facilities provided.
 - e. Health and safety on campus.
 - f. Discrimination, harassment, victimisation, vilification or bullying.

The complaints process may consist of four stages and the appeals process may consist of two stages, which should be followed in accordance with the SIBT Complaints and Appeals Procedure.

Stage 1 – Informal Complaint

A student or prospective student who feels that an academic or administrative issue is unsatisfactory or unacceptable is strongly encouraged to attempt to resolve the matter directly with the person or area concerned, or with the appropriate supervisor of that person.

A student may proceed directly to the lodgement of a formal complaint where it is more appropriate for serious or sensitive matters.

Stage 2 – Formal Complaint

Before lodging a formal complaint, a student may seek confidential, independent professional advice from a SIBT Learning Advisor to understand:

- a. whether the appropriate steps have been undertaken to attempt to resolve the complaint informally;
- b. whether a formal complaint is appropriate, or whether another SIBT process should be pursued; and
- c. the student complaint procedures and what resolution may be possible as an outcome of a formal complaint.

A student has 15 working days, from the date of the decision or event, to lodge a formal complaint. To commence that process, the student must complete the Formal Complaint Form and submit it to: SIBT.Complaints@sibt.nsw.edu.au. The relevant manager or complaint handler will acknowledge receipt within five days and may, at their discretion, extend the time for lodging a complaint.

The following matters cannot be assessed as a formal complaint and must be referred to the internal appeal procedure:

- g. Intention to cancel enrolment or report for non-attendance, non-progression or non-payment of fees. For more information, the Program Progress Policy should be read in conjunction with this policy.
- h. Decision made under the Student Code of Conduct Policy and / or the Academic Honesty Policy.
- i. Decision following the refund request in accordance with the Refund Policy.

Stage 3 – Internal Appeal

Where the student is not satisfied with the outcome of the formal complaint or a decision regarding enrolment cancellation, refund request or student code of conduct, and believes that:

- a. there was insufficient opportunity to present their case to the decision-maker; or
- b. the decision was affected by discrimination, prejudice or bias, or
- c. the process was not carried out in accordance with SIBT policy or procedures; or
- d. new information or evidence is available that has not been previously considered during the complaint process;

The appeal can be lodged against the decision if any or all of the above circumstances have occurred. The appeal will not be considered if the student disagrees with the outcome of a complaint

An internal appeal should be lodged within ten (10) working days of the date of the decision or the outcome of the formal complaint. An Appeal Application Form including supporting evidence must be submitted to Appeals@sibt.nsw.edu.au.

Stage 4 – External Appeal

Where the appellant is not satisfied with the outcome of the internal appeal, they may request that the matter be referred externally. The appellant has ten (10) working days from the date of the decision from the Appeals Committee to lodge an external appeal.

Domestic Students

The Independent Higher Education Australia (IHEA) will act to appoint an external reviewer who is independent. The IHEA appointed reviewer will make a determination and advise the relevant officer of SIBT, the complainant and IHEA within 30 days, providing in writing the reasons and rationale for any decisions and/or actions to be taken. If the IHEA-appointed reviewer makes recommendations in relation to a reviewed complaint, the relevant officer of SIBT will ensure that the recommendations are implemented within 20 working days. Decisions of the IHEA-appointed reviewer shall be final and binding on all parties.

Reviewable decisions (these decisions are related to HECS and FEE-HELP Debt) made under Chapter 3 of the Higher Education Support Act (HESA) where external review is the responsibility of the Administrative Appeals Tribunal are not covered by IHEA. Similarly, complaints relating to regulatory decisions of the Tertiary Education Quality Standards Agency (TEQSA) and outside of the institutions control are not handled by IHEA.

For those seeking to have a matter referred by IHEA to an external reviewer must make an application in writing to the Chief Executive Officer of IHEA, detailing the complaint, the process applied as at that point in time, the decision to be reviewed and grounds for an external review of the decision.

Chief Executive Officer
Independent Higher Education Australia
198/612 Harbour Esplanade, Docklands, Vic. 3008

If the matter is resolved with only IHEA's intervention the appeal process is free, otherwise a cost is advised to the appellant when the complexity of the case is known.

International Students

International students who wish to lodge an external appeal or complaint about the decision resulting from the above process can contact the Overseas Students Ombudsman. The Overseas Students 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 provider. See the Overseas Students Ombudsman website www.oso.gov.au or phone 1300 362 072 for more information.

The student and SIBT will be bound by the decision of the ombudsman and such decisions are final and non-reviewable. While the parties attempt to resolve the matter, the student will continue to attend classes as normal unless the student has a reasonable concern about an imminent risk to his or her health and safety.

Section 7 - Further Action

The procedures set out in the Complaints and Appeals Procedure document do not replace or modify procedures or any other responsibilities which may arise under other policies or under statute or any other law. Nothing in this policy and procedure limits the rights of individuals to take action under Australia's Consumer Protection laws. Also, these procedures do not circumscribe an individual's rights to pursue other legal remedies.

If a grievance still remains unresolved after the external dispute resolution process, the complainant may decide to refer the matter to an external agency, as follows.

Complaint type	External body
FEE-HELP, fees and refunds, matters relating to competition and consumer legislation	<u>Australian Competition and Consumer Commission (ACCC)</u>
Reviewable decisions in relation to Fee-Help debt (see Chapter 3 of the Higher Education Support Act)	<u>Administrative Appeals Tribunal</u>
Discrimination, sexual harassment, victimisation, vilification	<u>Australian Human Rights Commission</u> <u>NSW Anti-Discrimination Board</u>
Complaints or allegations of non-compliance, academic quality and teaching, and issues relating to risks to students or to the quality and reputation of the higher education sector.	TEQSA <u>https://www.teqsa.gov.au/complaints</u> TEQSA generally only acts on concerns where: <ul style="list-style-type: none"> • there is a serious risk to students or to the quality or reputation of the higher education sector; and • they relate to the provider's compliance with its obligations within our area of responsibility.

Section 8 - Student conduct

Students must make complaints and appeals responsibly and must not seek to raise an issue for trivial or vexatious reasons. SIBT will not tolerate unreasonable behaviour, exaggeration or dishonesty, unreasonable persistence after an investigation has closed, or unrealistic or disproportionate demands. Students are expected to provide serious reasons and factual evidence in support of a complaint or an appeal or request for review. Vexatious complainants are dealt with in accordance with the Student Code of Conduct Policy.

Section 9 - Withdrawal of complaint or appeal

At any time during the process a complainant or appellant may withdraw a complaint or appeal by notice in writing to the complaint/appeal handler.

Upon such withdrawal, consideration of the complaint or appeal will be discontinued.

SIBT reserves the right to further investigate matters on its own initiative based on information that has been provided as part of a withdrawn complaint, or based on information that the organisation has subsequently acquired that is relevant to the withdrawn complaint.

Section 10 - Administrative Procedures

This policy and related documentation is accessible through the Policy Library on SIBT website.

Records of all complaints and appeals will be kept for a period of seven years. These records will be strictly confidential and filed separately from student files. These records will be under the responsibility of the Quality and Compliance Manager.

Section 11 - Monitoring and Reporting

The Quality and Compliance Manager is responsible for the collation and analysis of information about the type, causes and number of student complaints and appeals on an annual basis. A report on the results of this analysis is provided to the Senior Management Team and the Academic Board annually.

Amendment History

Department:	Quality and Compliance	
Approval Authority:	Senior Management Team	
Initial Approval Date:	19 June 2015	
Date for Next Review:	04 December 2023	
Revision Date		
Version		
Summary of changes		
19/06/15	1	This is a new policy combining both academic and non-academic complaints into one. Approved by Academic Board.
22/07/16	2	Updated to include Foundation and reformatted. Approved by Academic Board.
04/12/18	3	Updated and reviewed for programs offered at SIBT and titles of staff members. Approved by Academic Board.
11/11/21	4	Major review.