

# Student Complaints and Appeals Policy

## Document

<b>Document Name</b>	Student Complaints and Appeals Policy
<b>Brief Description</b>	The Student Complaints and Appeals Policy provides information on the complaints and appeals process for current and prospective students of the Sydney Institute of Business and Technology (SIBT).
<b>Responsibility</b>	Director of Student and Academic Services
<b>Initial Issue Date</b>	19 June 2015
<b>Date for Next Review:</b>	15 February 2027

## Version Control

<b>Date Approved</b>	<b>Version No.</b>	<b>Summary of Changes</b>	<b>Approver</b>
19/06/15	1	This is a new policy combining both academic and non-academic complaints into one. Approved by Academic Board.	Senior Management Team
22/07/16	2	Updated to include Foundation and reformatted. Approved by Academic Board.	Senior Management Team
04/12/18	3	Updated and reviewed for programs offered at SIBT and titles of staff members. Approved by Academic Board.	Senior Management Team
11/11/21	4	Major review.	Senior Management Team
10/11/22	5	Related documents reviewed and updated. Contact details updates and link to websites added. Updated to include complaints and appeals process is at no cost to students. Updated to clarify students can access appeal process within 20 working days.	Quality and Compliance Team
15/2/2024	6	Definitions reviewed and updated. References to newly created Procedure added. Purpose and Application strengthened. Types of complaints and appeals clearly delineated. Informal Appeal added. Functions of the Review Officer and Delegated Manager added. Information regarding the Complaints and Appeals Register added.	Senior Management Team

## Related Documents

Name	Location
Academic Integrity Policy	<a href="#">SIBT Website</a>
Admissions Policy	<a href="#">SIBT Website</a>
Assessment Policy	<a href="#">SIBT Website</a>
Attendance Policy	<a href="#">SIBT Website</a>
Certification Documentation Issuance Policy	<a href="#">SIBT Website</a>
Deferring, Leave of Absence, and Cancelling Student's Enrolment Policy	<a href="#">SIBT Website</a>
Discrimination, Harassment, Victimisation and Bullying Policy	<a href="#">SIBT Website</a>
Enrolment Policy	<a href="#">SIBT Website</a>
Grade Review Policy	<a href="#">SIBT Website</a>
Program Development, Monitoring and Review Policy	<a href="#">SIBT Website</a>
Program Progress Policy	<a href="#">SIBT Website</a>
Recognition of Prior Learning Policy	<a href="#">SIBT Website</a>
Refund Policy	<a href="#">SIBT Website</a>
Special Consideration Policy	<a href="#">SIBT Website</a>
Student Complaints and Appeals Resolution Procedure	<a href="#">SIBT Website</a>
Student Code of Conduct	<a href="#">SIBT Website</a>
Student Welfare and Wellbeing Support Policy	<a href="#">SIBT Website</a>
Staff Code of Conduct	<a href="#">SIBT Website</a>
Transfer of Provider Policy	<a href="#">SIBT Website</a>
Workplace Health and Safety Policy	<a href="#">SIBT Website</a>
Formal Complaint Form	<a href="#">SIBT Website</a>
Formal Appeal Form	<a href="#">SIBT Website</a>
Higher Education Support Act 2003	<a href="https://www.legislation.gov.au/">https://www.legislation.gov.au/</a>
Higher Education Standards Framework (Threshold Standards) 2021	<a href="https://www.legislation.gov.au/">https://www.legislation.gov.au/</a>
Education Services for Overseas Students Act 2000	<a href="https://www.legislation.gov.au/">https://www.legislation.gov.au/</a>
National Code of Practice for Providers of Education and Training to Overseas Students 2018	<a href="https://www.legislation.gov.au/">https://www.legislation.gov.au/</a>
Higher Education Provider Guidelines 2023	<a href="https://www.legislation.gov.au/">https://www.legislation.gov.au/</a>

## Contents

1. Purpose.....	4
2. Definitions .....	4
3. Application .....	4
4. Policy Statement .....	4
5. Policy Principles.....	5
6. Types of Complaints and Appeals .....	6
6.1 Academic Complaints/Appeals .....	6
6.2 Non-academic Complaints/Appeals .....	6
7. Complaints and Appeals Stages.....	7
7.1 Stage 1 – Informal Complaint or Appeal .....	7
7.2 Stage 2 – Formal Complaint .....	7
7.3 Stage 3 – Internal Appeal.....	7
7.4 Stage 4 – External Appeal .....	8
8. Responsibilities .....	8
9. Further Action .....	9
10. Withdrawal of Complaint or Appeal .....	10
11. Administrative Procedures .....	10
12. Monitoring and Reporting .....	10

## 1. Purpose

- a) The purpose of the Student Complaints and Appeals Policy is to ensure all current and prospective students of the Sydney Institute of Business and Technology (SIBT) are provided with the access to a fair, effective and equitable complaints resolution and appeals handling processes.

## 2. Definitions

Term	Meaning
<b>Academic Complaint</b>	A complaint that relates directly to learning, teaching and assessment. Examples may include complaints about the effectiveness of teaching or the quality of teaching or assessment material
<b>Appeal</b>	A formal process to challenge a decision made on a particular matter.
<b>Appellant</b>	A current or prospective student who has lodged an appeal.
<b>Complaint</b>	An issue or concern raised by a student who considers they have been wronged because of an action, decision or omission within the control or responsibility of SIBT.
<b>Complainant</b>	A current or prospective student who has initiated the complaint.
<b>Informal Resolution</b>	Direct action and/or discussion with the staff member who received the complaint resulting in a mutually accepted outcome.
<b>Non-academic Complaint</b>	A complaint that is not directly related to learning and teaching, such as a complaint about finance or advertising
<b>Respondent</b>	A person responding to a complaint or appeal.
<b>Delegated Manager</b>	The SIBT staff member responsible for consideration of a complaint or appeal.

## 3. Application

- a) The Student Complaints and Appeals Policy governs:
  - i. Non-academic matters and decisions and is applicable to prospective and current students; and
  - ii. Academic matters and decisions and is applicable to current students.
- b) The Student Complaints and Appeals Policy is accompanied by the Student Complaints and Appeals Resolution Procedure. The Student Complaints and Appeals Policy and the Student Complaints and Appeals Resolution Procedure are complementary and should be considered in conjunction with each other.

## 4. Policy Statement

- a) As a general principle, staff and students are mutually responsible for resolving issues quickly through informal discussion and/or in writing at the local level, limiting the number of people involved, for the purpose of avoiding an escalation of the issue in scope and impact.
- b) In resolving issues, students and staff, including those mediated through online application business systems, communications are to uphold, maintain, support, embody mutual respect, fairness and fulfilment of their obligations as specified in the Student Code of Conduct and Staff Code of Conduct.

- c) 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.
- d) The complainant/appellant has the right to raise a complaint or appeal, and to have that matter considered with courtesy and confidentiality, in a timely fashion and without fear of prejudicial treatment.
- e) SIBT believes issues should be resolved wherever possible and appropriate at the informal level, involving discussion between a student and a member of staff is considered the first stage to try to resolve the issue prior to a formal complaint or appeal being lodged.

## 5. Policy Principles

- a) 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.
- b) In all matters of dissatisfaction, students and staff should attempt to resolve the issue informally in a cooperative manner. If this is not possible, or the outcome is unsatisfactory, the formal process may be commenced. SIBT is committed to best practice where issues are resolved as close to the source as possible.
- c) Complainants, appellants and respondents will not be subject to discrimination or harassment resulting from their participation in the complaints or appeal process.
- d) SIBT will make all attempts to respond to complaints within the time limits set out in this policy.
- e) The SIBT Complaints and Appeals Policy is publicly available on the SIBT website.
- f) 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.
- g) All communications arising from the complaints process, together with the proceedings of the Student Appeals Committee, will remain confidential, except to the extent necessary to give effect to this policy.
- h) Where the appeal relates to suspension of enrolment, students may maintain their enrolled status whilst awaiting the outcome of the appeal.
- i) 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.
- j) SIBT Student Learning Advisors and Student Counsellors 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.
- k) SIBT conducts complaints and internal appeals process at no cost to the student.

## 6. Types of Complaints and Appeals

### 6.1 Academic Complaints/Appeals

- a) Academic complaints and/or appeals are related to all learning, teaching, and assessment of SIBT courses and units of study and decisions made relating to the student's academic progress.
- b) Complaints may include, but are not limited to:
  - i. An issue with the quality of programs/content/design or delivery;
  - ii. An issue with assessment clarity, outcome, or feedback;
  - iii. Conferral of Awards;
- c) Appeals may include, but are not limited to:
  - i. Academic decisions including but not limited to:
    - Intention cancel student's enrolment due to unsatisfactory academic progress;
    - Penalty for academic misconduct;
    - Outcome of the application or request for:
      - Recognition for Prior Learning;
      - Special Consideration;
      - Grade Review;
      - Withdrawal without Academic Penalty.
  - ii. Outcome of a Formal Complaint.

### 6.2 Non-academic Complaints/Appeals

- a) Non-Academic – complaints and/or appeals are related to administration, recruitment, safety, service and facilities provided by SIBT or to SIBT non-academic decisions, usually made by professional staff at SIBT.
- b) Complaints These may include, but are not limited to:
  - i. The administration of admission, enrolment, examination and completion;
  - ii. An issue with service and facilities provided;
  - iii. Health and safety on campus;
  - iv. Discrimination, harassment, victimisation, vilification or bullying.
- c) Appeals may include, but are not limited to:
  - i. Non-academic decisions to:
    - Intention to cancel student's enrolment for non-attendance (Foundation students only), non-payment of fees or non-re-enrolment;
    - Penalty for non-academic misconduct;
    - Outcome of the application or request for:
      - Enrolment selection outcome;
      - Refund of Fees/Remission of FEE-HELP debts;
      - Withdrawal without Financial Penalty;
      - Deferral, Withdrawal, Leave of Absence, or Transfer to another Provider (International students only).
  - ii. Outcome of a Formal Complaint.

## 7. Complaints and Appeals Stages

- a) SIBT will endeavour to resolve complaints and appeals in the first instance it is presented to staff; however, if this is not possible, multiple stages to facilitate a resolution are available, and will be followed in accordance with the SIBT Student Complaints and Appeals Resolution Procedure.

### 7.1 Stage 1 – Informal Complaint or Appeal

- a) 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 of the area concerned, or with the appropriate supervisor of that person.
- b) A student who has received notice of a decision SIBT intends to action, including but not limited to academic progress management through intervention strategies and enrolment cancellation due to non-payment of fees or non-re-enrolment.
- c) A student may proceed directly to the lodgement of a formal complaint where it is more appropriate for serious or sensitive matters.

### 7.2 Stage 2 – Formal Complaint

- a) Before lodging a formal complaint, a student may seek confidential, independent professional advice from a SIBT Learning Advisor to understand:
  - i. Whether the appropriate steps have been undertaken to attempt to resolve the complaint informally;
  - ii. Whether a formal complaint is appropriate, or whether another SIBT process should be pursued; and
  - iii. The student complaint procedures and what resolution may be possible as an outcome of a formal complaint.
- b) A student has 10 working days, from the date of the event or decision, to lodge a formal complaint. To commence that process, the student must complete the online [Formal Complaint Form](#).
- c) The Complaints and Appeals Administrator will acknowledge receipt within five (5) working days and may, at their discretion, extend the time for lodging the evidence to support the complaint.
- d) Formal Complaints are assigned to a Delegated Manager who has the expertise and authority to resolve the complaint issue. The Delegated Manager will seek to resolve the complaint within 10 working days or as quickly as possible.
- e) A formal notice of the outcome of the complaint will be sent to the Complainant within five (5) working days.

### 7.3 Stage 3 – Internal Appeal

- a) An appeal can be lodged where the student feels they have grounds to appeal the outcome of a formal complaint, or any decision outlined in Section 6.1c or 6.2c.
- b) Grounds for Appeal include:
  - i. There was insufficient opportunity to present their case to the decision-maker; or
  - ii. The decision was affected by discrimination, prejudice or bias; or

- iii. The process was not carried out in accordance with SIBT policies or procedures; or
- iv. New information or evidence is available that has not been previously considered during the complaint process.
- c) All appeals must include evidence that supports the grounds under which they are appealing the SIBT decision.
- d) Appeals will not be considered where evidence to support the appeal includes exaggeration, dishonesty, or vexatious intent.
- e) The appeal will not be considered purely based on a student being dissatisfied or disagreeing with the SIBT decision or complaint outcome.
- f) An internal appeal must be lodged within 20 working days of the date on SIBT's communication to the student advising of the decision or the outcome of the formal complaint.
- g) Appeals will only be accepted that:
  - i. Are submitted using the online [Formal Appeal Form](#) and
  - ii. Include evidence that supports their appeal.
- f) The Complaints and Appeals Administrator will acknowledge receipt within five (5) working days and may, at their discretion, extend the time for lodging the evidence to support the complaint.
- g) The Student Appeals Committee panel will consider the grounds for appeal and evidence within 10 working days and will make a determination as soon as is practicable.
- h) A formal notice of appeal outcome will be sent to the Appellant within five (5) working days.
- i) A student can request a review of a Student Appeals Committee decision by the Review Officer however the Review Officer will only assess whether the decision-making process had adhered to established guidelines and principles.

#### 7.4 Stage 4 – External Appeal

- a) Where the appellant has been through the full appeal process and is still not satisfied with the outcome of the internal appeal, they may request that the matter be referred externally.
- b) The appellant has 10 working days from the date of the decision from the Student Appeals Committee or Review Officer to lodge an external appeal.

### 8. Responsibilities

- a) The Complainant or Appellant will:
  - i. Ensure they make complaints and appeals responsibly and must not seek to raise an issue for trivial or vexatious reasons;
  - ii. Act in a reasonable manner, without exaggeration, vexation or dishonesty, or unreasonable persistence after an investigation has closed;
  - iii. Provide serious reasons and factual evidence in support of a complaint or an appeal or request for review.
- b) The Administration Team will:
  - i. Ensure cases flow through the Complaints and Appeals process within the timeframes allocated to each stage;



- ii. Maintain communication with all stakeholders on application progress until the case are resolved;
- iii. Maintain accurate and complete records.
- c) The Delegated Manager will:
  - i. Ensure all communication upholds, maintains, supports, and embodies mutual respect, fairness and fulfilment of their obligations under the Staff Code of Conduct;
  - ii. Work to resolve issues as quickly as possible, with the minimum of formal processes required to reach an amicable solution.
- d) The Student Appeals Committee will:
  - i. Consider and decide student academic or non-academic appeals in accordance with the Student Complaints and Appeals Policy;
  - ii. Ensure student appeals are considered and decided by an appropriately selected panel in a timely and independent manner, applying the rules of procedural fairness.
- e) The Review Officer:
  - i. Will review decisions made by the Student Appeals Committee to ensure that the decision-making process adhered to established guidelines and principles;
  - ii. Must hold a position senior to any person involved in making the original decision and cannot review a decision in which they were directly involved.

## 9. Further Action

- a) The procedures set out in the Complaints and Appeals Resolution 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.
- b) If an appeal still remains unresolved after the external dispute resolution process, the person may decide to refer the matter to an external agency, as follows.

Complaint type	External body
<ul style="list-style-type: none"> <li>• FEE-HELP, fees and refunds, matters relating to competition and consumer legislation</li> <li>• Reviewable decisions in relation to Fee-Help debt (see Chapter 3 of the Higher Education Support Act)</li> </ul>	<ul style="list-style-type: none"> <li>• Australian Competition and Consumer Commission (ACCC) <a href="https://www.accc.gov.au/">https://www.accc.gov.au/</a></li> <li>• Administrative Appeals Tribunal <a href="https://www.aat.gov.au/">https://www.aat.gov.au/</a></li> </ul>
<ul style="list-style-type: none"> <li>• Refunds</li> </ul>	<ul style="list-style-type: none"> <li>• NSW Office of Fair Trading <a href="#">NSW Fair Trading   NSW Fair Trading</a></li> </ul>
<ul style="list-style-type: none"> <li>• Discrimination, sexual harassment, victimisation, vilification</li> </ul>	<ul style="list-style-type: none"> <li>• Australian Human Rights Commission <a href="https://humanrights.gov.au/">https://humanrights.gov.au/</a></li> <li>• NSW Anti-Discrimination Board <a href="https://antidiscrimination.nsw.gov.au/">https://antidiscrimination.nsw.gov.au/</a></li> </ul>
<ul style="list-style-type: none"> <li>• Safety on campus</li> </ul>	<ul style="list-style-type: none"> <li>• Safe Work Australia <a href="#">SafeWork NSW   SafeWork NSW</a></li> </ul>

<ul style="list-style-type: none"> <li>• Privacy breach and refunds</li> </ul>	<ul style="list-style-type: none"> <li>• NSW Civil and Administrative Tribunal (NCAT) <a href="#">NSW Civil and Administrative Tribunal</a></li> </ul>
<ul style="list-style-type: none"> <li>• 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</li> </ul>	<ul style="list-style-type: none"> <li>• TEQSA <a href="https://www.teqsa.gov.au/complaints">https://www.teqsa.gov.au/complaints</a> generally only acts on concerns where: <ul style="list-style-type: none"> <li>○ there is a serious risk to students or to the quality or reputation of the higher education sector; and</li> <li>○ they relate to the provider's compliance with its obligations within our area of responsibility.</li> </ul> </li> </ul>

## 10. Withdrawal of Complaint or Appeal

- a) At any time during the process a complainant or appellant may withdraw a complaint or appeal by notice in writing to the Delegated Manager either directly or through the student administration.
- b) Upon such withdrawal, consideration of the complaint or appeal will be discontinued.
- c) 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.

## 11. Administrative Procedures

- a) All SIBT policies and procedures are accessible through the SIBT website.
- b) A Complaints and Appeals Register will be maintained to support analysis of incidents and identify systemic issues that may be mitigated to prevent or reduce the recurrence of incidents.
- c) Records of all complaints and appeals will be kept for a period of seven (7) 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.

## 12. Monitoring and Reporting

- a) The Quality and Compliance Manager is responsible for maintaining the integrity of the Complaints and Appeals Register to enable the collation and analysis of information about the type, causes and number of student complaints and appeals to be reported on an annual basis.
- b) Data for analysis is provided to Annual Report Owners for subsequent reporting to the Senior Management Team, Academic Board and SIBT Board of Directors annually with the view to creating preventative measures to address the causes of complaints.