

Student Complaints and Appeals Resolution Procedure

Document

Procedure Name	Student Complaints and Appeals Resolution Procedure
Overarching Policy	Student Complaints and Appeals Policy
Brief Description	The Student Complaints and Appeals Resolution Procedure outlines the activities and tasks required, and by whom, to implement a process across SIBT that relates to, and is consistent with, the Student Complaints and Appeals Policy to which it refers.
Responsibility	Director of Student and Academic Services
Effective Date	26 February 2024
Authorising Body:	Senior Management Team

Version Control

Date Approved	Version No.	Summary of Changes	Approver
15/02/2024	1	Initial Issue	Senior Management Team

Related Documents

Name	Location
Student Complaints and Appeals Policy	SIBT Website
Formal Complaint Form	SIBT Website
Formal Appeal Form	SIBT Website
Student Complaints and Appeals Register	SIBT Intranet

Contents

1	Purpose.....	3
2	Application	3
3	Definitions	3
4	Procedural Statements	3
5	Procedures.....	4
5.1	Stage 1 Informal Complaint or Appeal Resolution Procedure	4
5.1.1.	Step 1:.....	4
5.1.2.	Step 2:.....	4
5.2	Stage 2 Formal Complaint Procedure.....	4
5.2.1.	Step 1	5
5.2.2.	Step 2	5
5.2.3.	Step 3	5
5.3	Stage 3 Formal Appeal Procedure.....	6
5.3.1.	Appealable decisions	6
5.3.2.	Grounds for Appeal	6
5.3.3.	Limitations	6
5.3.4.	Lodgement of an Appeal	7
5.3.5.	Consideration of Appeal	7
5.3.6.	Review Officer Procedure	7
5.4	Stage 4 External Appeal	8
	Domestic Students.....	8
	International Students.....	9
5.5	Records.....	9
6	Implementation and Access.....	9
7	Review	9
	Appendix A: Acceptable Supporting Documentation	10

1 Purpose

- a) The purpose of the Student Complaints and Appeals Resolution Procedure is to:
 - i. Provide clarity on how to access SIBT's complaints and appeals resolution process and give effect to the Student Complaints and Appeals Policy;
 - ii. Advise how complaints and appeals, within the scope of these procedures, may be raised, how they will be assessed and resolved, where appropriate; and
 - iii. Describe the way SIBT will conduct investigations where required.

2 Application

- a) The Student Complaints and Appeals Resolution Procedure applies to:
 - i. Non-academic matters for current and prospective students, and
 - ii. Academic matters for current students.
- b) The Student Complaints and Appeals Resolution Procedure does not apply to student complaints regarding allegations of sexual harassment and sexual assault which are managed by the Sexual Harassment Prevention and Response Policy and Sexual Assault Prevention and Response Policy respectively.

3 Definitions

Term	Meaning
Appeal	A process to request a review of a decision made on a particular matter either informally or formally
Appellant	A current or prospective student who has lodged an appeal
Prospective student	A person seeking to enrol in a SIBT program.
Complaint	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.
Complainant	A current or prospective student who has initiated the complaint.
Informal Resolution	Direct action and/or discussion with the staff member who received the complaint resulting in a mutually accepted outcome.
Student	A person enrolled in a SIBT program
Delegated Manager	The SIBT staff member responsible for considering a complaint.

4 Procedural Statements

- a) The application, investigation or resolution of a complaint or appeal under these procedures must be in accordance with the principles set out in the Student Complaints and Appeals Policy.
- b) There is no cost associated with the SIBT internal complaints and appeals process.
- c) This procedure 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 2023.
- d) Staff will make all attempts to respond to complaints within the time limits set out in this procedure.

- e) 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.

5 Procedures

5.1 Stage 1 Informal Complaint or Appeal Resolution Procedure

Timeframe: within 10 working days or as soon as possible after the issue occurred.

- a) All SIBT staff are committed to resolving issues for students as quickly and efficiently as possible. Therefore, students or prospective students are strongly encouraged to seek to resolve issues informally directly with the person or area concerned with the issue (either on their own or with another person as a support person).

5.1.1. Step 1:

- a) Communicate directly with the person responsible for the decision or behaviour that is the subject of the issue.
- b) Both parties to discuss their point of view and attempt to resolve the matter in a courteous and respectful manner.
- c) Contact: via email, phone call or direct conversation.

5.1.2. Step 2:

- a) Agree on resolution and actions required to finalise the issue or if unresolved bring in a manager to assist with a mutually agreeable resolution.
- b) If the informal resolution is in response to a SIBT decision, the staff member will ensure the communication loop is closed with the Complaint and Appeals Administrator, so the resolution is fully acknowledged in systems and with all relevant stakeholders.
- c) Students or prospective students unable to resolve an issue or concern through informal resolution, or consider informal resolution inappropriate, can make a complaint using the Formal Complaint form.

5.2 Stage 2 Formal Complaint Procedure

Timeframe: The student has 10 working days, from the date of the decision or event, or after exhausting options within the informal process, to lodge a formal complaint.

- a) Before lodging a formal complaint, a student may seek confidential, independent professional advice from a SIBT Student 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) Types of complaints covered by this procedure include issues with:
 - i. Elements of teaching and learning including but not limited to program quality, delivery, teaching, resources, facilities, feedback, assessments;

- ii. Administrative services including but not limited to admission, enrolment, examination, completion, and award issuance;
- iii. Services and facilities including but not limited to campus facilities, health and safety;
- iv. Discrimination, harassment, victimisation, vilification, or bullying.

5.2.1. Step 1

- a) Students should check with the Student Learning Advisor if they are unsure of the evidence and details required to support their formal complaint and the timeframe in which they need to submit.
- b) A Formal Complaint must be supported by evidence that may include, but is not limited to:
 - i. Copy of the Informal Complaint;
 - ii. Copy of emails, letter or messages;
 - iii. Photos or screenshots;
 - iv. Medical certificates and reports;
 - v. Student or witness(es) Statutory Declaration. A statutory declaration is a legal document that contains a written statement about something that is true. It must be witnessed by an approved person. A Statutory Declarations template is available [SIBT Website](#).
- c) All evidence must be in English or include a certified translation.

5.2.2. Step 2

- a) Students are required to complete the online [Formal Complaint Form](#) and attach their evidence.
- b) Student may consult with a Student Learning Advisor if they:
 - i. Need assistance to complete the Formal Complaint Form;
 - ii. Are unsure of details or evidence to provide; or
 - iii. Are unsure they can meet the deadline for submitting the Formal Complaint.

5.2.3. Step 3

- a) Submitted Formal Complaints Forms will automatically notify the Complaints and Appeals Administrator that a complaint has been received.
- b) The Complaints and Appeals Administrator will acknowledge receipt of the Formal Complaint within five (5) working days and notify the complainant by email of the relevant next steps and timeframe.
- c) The Complaints and Appeals Administrator will undertake an initial assessment of the complaint and forward the complaint to the Delegated Manager who will consider the complaint. The Complaints and Appeals Administrator will consult with the Quality and Compliance Manager, on the case if required.
- d) The Delegated Manager will:
 - i. Be a senior staff member who is knowledgeable in the area of a complaint and, have no direct or indirect connection to the complaint;
 - ii. Assess the seriousness of the complaint and determine the appropriate course of action, including convening discussions with relevant parties, if required;
 - iii. Collate and review any relevant documentary evidence and request additional information, if required;
 - iv. As much as possible, determine appropriate resolution within 10 working days, and

- v. Advise the Complaints and Appeals Administrator of the outcome.
- e) The Complaints and Appeals Administrator will advise the student in writing of the outcome within 5 days of the Delegated Manager's decision.

5.3 Stage 3 Formal Appeal Procedure

Timeframe: The student has 20 working days, from the date of the decision or event, to lodge a formal appeal.

5.3.1. Appealable decisions

- a) A student or prospective student may appeal a SIBT's decision as advised in a written notification regarding:
 - i. Formal complaint outcome;
 - ii. Non-attendance;
 - iii. Unsatisfactory academic progress;
 - iv. Non-payment of fees;
 - v. Academic misconduct penalty;
 - vi. Non-academic misconduct penalty;
 - vii. Refund of fees;
 - viii. Remission of FEE-HELP debts;
 - ix. Enrolment selection outcome;
 - x. Recognition for Prior Learning application outcome;
 - xi. Special Consideration application outcome;
 - xii. Grade Review application outcome; and
 - xiii. Deferral application outcome (international students);
 - xiv. Leave of Absence application outcome (international students);
 - xv. Withdrawal application outcome (international students); or
 - xvi. Transfer to another Provider application outcome (international students);
 - xvii. Withdrawal without Academic or Financial Penalty request outcome.

5.3.2. Grounds for Appeal

- a) An appeal made under section 5.3.1 must be on one or more of the following grounds:
 - 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. There is new information that could not reasonably have been provided at the time of the original decision, and that would probably have affected the decision, or any penalty imposed.
- b) The category of an appeal will determine the evidence required. Refer Appendix A.
- c) An appeal will not be considered on the basis the student disagrees with the outcome of a complaint or decision.

5.3.3. Limitations

- a) Failure to read and act upon a notice or correspondence sent to a student's SIBT email account are not grounds for an appeal.

5.3.4. Lodgement of an Appeal

- a) Appeals will only be accepted if they are submitted via the [Formal Appeal Form](#) on the SIBT website within 20 working days of the original decision. The appeal must:
 - i. State the decision being appealed;
 - ii. The outcome the student is seeking from the appeal;
 - iii. Identify the ground or grounds for appeal;
 - iv. Include supporting evidence that will support the student's grounds for appeal.
- b) Receipt of appeal application will be acknowledged within five (5) working days of submitting the webform.

5.3.5. Consideration of Appeal

- a) Appeals will be assessed by the Student Appeals Committee Secretary to ensure:
 - i. Grounds for appeal have been met;
 - ii. Evidence supporting the appeal has been received;
 - iii. The appeal has been submitted within the timeframe.
- b) For appeals that meet all the requirements, the Student Appeals Committee Secretary will:
 - i. Select appeal panel members ensuring no conflicts of interest in panel membership;
 - ii. Schedule the meeting of the panel within 10 working days of lodgement;
 - iii. Send appeal documentation to panel members;
 - iv. Minute the appeal meeting deliberations and outcome;
 - v. Advise the appellant, in writing within five (5) working days of the panel meeting.
- c) For appeals that do not meet all the requirements, the Student Appeals Committee Secretary will:
 - i. Advise the appellant of the shortcoming in the appeal and allocate five (5) working days for the appellant to provide the additional information;
 - ii. Upon receipt of the additional documents, the Student Appeals Committee secretary will follow the procedure under 5.3.5b);
 - iii. If further documentation is not received within five (5) working days, the Student Appeals Committee Secretary will advise the appellant in writing, their appeal has been dismissed.
- d) Assessment of an appeal will commence within 10 working days of lodgment and be concluded as soon as reasonably practicable by the relevant academic appeal panel or non-academic appeal panel as set out in the Governance Charter.
- e) The outcome of the hearing will be documented including reasons for the appeal panels decisions.
- f) The Student Appeals Committee Secretary, will, within five (5) working days of a decision being made, advise the Appellant in writing of:
 - i. The appeal panel's decision and their reasons for the decision;
 - ii. Their right to apply for a review of the Appeal panels adherence to SIBT's established guidelines and principles;
 - iii. Their right to apply for an external review of the decision.

5.3.6. Review Officer Procedure

- a) If an Appellant requests a review of a Student Appeals panel decision:

- i. The Student must request a Review through the Student Appeals Committee Secretary within 28 days after the day on which the student first received notice of the decision.
- ii. The Student Appeals Committee Secretary will provide the Review Officer with all information pertaining to the Appeal.
- iii. The Review Officer will inform the applicant within a reasonable period, however, if the reviewer has not advised the applicant of a decision within 45 days of receiving the application for review, the reviewer is taken to have confirmed the original decision.
- iv. The Review Officer will review the appeal to ensure that the decision-making process adhered to established guidelines and principles;
- v. The Review Officer will inform the applicant of the outcome and, if the decision was confirmed, advise the applicant of their right to seek an External Appeal (Stage 4).

5.4 Stage 4 External Appeal

- a) A student may seek an external review of SIBT's decision or process by contacting external mediation services.
- b) If the appellant wishes to appeal SIBT's Student Appeals Committee decision, the appellant will have 10 working days from the date of their outcome letter to request an external review and provide evidence to SIBT of the external review request.
- c) An external appeal should only be made after all internal processes under the Student Complaints and Appeals Policy have been completed. SIBT will not accept any further appeals after mediation or external review.
- d) While the external appeal is ongoing, SIBT:
 - i. Will maintain the student's enrolment and CoE (international students);
 - ii. Has a discretion to refuse to provide educational services.
- e) If the external appeal process results in a decision or recommendation in favour of:
 - i. The student, SIBT will immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision and advise the student of that action, or
 - ii. SIBT, its previous decision or recommendation will be enacted, and student advised accordingly.

Domestic Students

- a) Applying for an external review is likely to incur a fee that will have to be paid by the person appealing a decision.
- b) Students may want to consider contacting the Tertiary Education Quality and Standards Agency (TEQSA) for certain types of complaints including those relating to regulatory decisions of the Tertiary Education Quality Standards Agency (TEQSA) and outside of the institutions control. enquiries@teqsa.gov.au
- c) If the external reviewer makes recommendations in relation to a reviewed appeal, the relevant officer of SIBT will ensure that the recommendations are implemented within 20 working days. Decisions of the external reviewer shall be final and binding on all parties.
- d) Reviewable decisions related to HECS and FEE-HELP Debt are made under Chapter 3 of the Higher Education Support Act (HESA) where external review is the responsibility of the Administrative Appeals Tribunal.

International Students

- e) 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.
- f) 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. For more information contact Overseas Students Ombudsman.

Overseas Students Ombudsman
W: <https://www.ombudsman.gov.au/>
Ph: 1300 362 072

- g) 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.

5.5 Records

- a) Records of all complaints and appeals are:
 - i. Kept for a period of seven (7) years;
 - ii. Strictly confidential and filed separately from student files;
 - iii. Under the responsibility of the Quality and Compliance Manager.

6 Implementation and Access

- a) The Student Complaints and Appeals Resolution Procedure is published on SIBT's website and accessible via the Learning Management System with implementation via:
 - i. Updated Policy Notification on Learning Management System;
 - ii. Staff/Student Orientation;
 - iii. Staff Training session.

7 Review

- a) The Student Complaints and Appeals Resolution Procedure will be reviewed:
 - i. At least annually to incorporate continuous improvement initiatives;
 - ii. When changes are made to operational processes that impact this procedure;
 - iii. When the overarching Policy is updated.

Appendix A: Acceptable Supporting Documentation

- A letter advising that the applicant has not been able to obtain a visa yet issued by Department of Home Affairs (DHA);
- Visa refusal letter issued by Department of Home Affairs (DHA);
- IELTS (or similar) test results;
- An original certificate/letter/report from a doctor or registered treating health professional on a letterhead, including signature or providers stamp, provider's number, and a statement that student was unable to attend classes;
- A medical certificate stating just "illness" or "medical condition" or "medical reason" may not be sufficient.
- A statement from a doctor, counsellor, social worker, or independent member of the community (e.g., A Justice of the Peace or a Minister of Religion);
- A certificate from a funeral director;
- A death certificate;
- A certified call to Australian Defence Forces;
- A letter/report describing the nature of emergency attended by the State Emergency Service or Country/Rural Fire Service;
- A copy of an accident report;
- A court summons or similar.

Supporting documentation must be in English (or accompanied by certified translation), on official letterhead (if relevant), signed, and dated.