

## Student Complaints and Appeals Policy

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<b>Related Documents</b>	<i>Academic Integrity Policy and Procedure</i> <i>Course Progress and Completion Policy</i> <i>Legislative and Regulatory Compliance</i> <i>National Code Compliance</i> <i>Privacy Policy</i> <i>Records Management Policy and Procedure</i> <i>Student Code of Conduct</i> <i>Student Misconduct Procedure</i> <i>Work Health and Safety Policy and Procedure</i>		
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### 1. Context

The Australian College of Business Intelligence (ACBI) ensures students study in a friendly environment, free from any forms of coercion, unfair treatment, victimisation, harassment, or bullying. All complaints and grievances, whether caused by a fellow student or staff member, will be handled professionally and confidentially to achieve a satisfactory resolution as soon as possible.

### 2. Definitions

**Appeal.** A formal request by a student to review and change a decision made by ACBI on a case to which they were a party.

**Complaint.** An expression of dissatisfaction made to ACBI about its operations for which a resolution has not been reached in the first instance and where a response or specific action from ACBI is expected or required. A complaint is considered informal during preliminary discussions with ACBI and becomes formal when early resolution mechanisms have failed.

**ESOS Act.** Formally known as the Education Services for Overseas Students Act 2000 and regulates providers who deliver courses to overseas students.

**ESOS Framework.** It covers the provision of education services to overseas students and comprises the ESOS Act 2000, ESOS Regulations 2019, the National Code 2018, ELICOS Standards 2018, and other legislative instruments.

**Grievance.** Any concern, difficulty, or problem that a student or staff member has concerning their studies, the learning environment, or any staff member of the College.

**National Code 2018.** This document sets out the national standards and procedures for registered providers providing education and training to overseas students.

**Overseas Student.** A student who is not a domestic student and who may hold a student visa and is protected by the Education Services for Overseas Students Act 2000 legislative framework.

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### 3. Scope

This Policy applies to ACBI staff, affiliates, current students, or people who have completed an application to enrol as a student (included wherever “students” are referred to in this Policy).

### 4. Principles

The key principles informing this Policy are:

- free and readily accessible information on the College’s complaints and appeals process;
- early and informal resolution of student dissatisfaction, as far as practicable;
- no disadvantage to students for making a complaint or appeal;
- maintenance of student registration and learning opportunities over the entire process, as far as practicable; and
- procedural fairness in providing a free, fair, transparent, and confidential internal complaints and appeals process resulting in objective and unbiased decisions.

### 5. Policy details

#### 5.1. Responsibilities and Authorities

The Chief Executive Officer has the responsibility for ensuring that all policies and procedures are made available for use by the staff and where appropriate by students.

All students will have access to this Policy before they enroll and during their enrolment via the College website and information and links provided in the Enrolment Acceptance Agreement, ACBI Terms and Conditions of Enrolment, and ACBI Student Handbook.

Managers and other designated staff are responsible for responding to complaints in a timely, professional, and respectful manner. They also have the responsibility for ensuring that the staff and students involved in the complaint resolution processes understand their rights and responsibilities in relation to this Policy.

The Manager in charge of the complaints and appeals process is responsible for documenting all actions and outcomes in the Complaints and Appeals Register.

This Policy does not limit the rights of students to take action under Australia's Consumer Protection laws. Also, ACBI’s dispute resolution procedures do not circumscribe student's rights to pursue other legal remedies.

#### 5.2. Types of Complaints and Appeals

A complaint or appeal may be made against any decision, action, or process taken by the College, an education agent, or any related party the College has an arrangement with. All complaints and appeals are handled through the same four-stage process with different interlocutors for academic and non-academic matters.

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### 5.2.1. Academic Matters

Academic complaints and appeals related to the delivery of a program, for example:

- credit for prior learning decisions;
- enrolment and progression;
- unit content, teaching, and learning resources and assessments;
- assessment results and unit grades;
- teaching quality;
- resources and facilities; and
- qualifications and experience of teachers.

### 5.2.2. Non-academic Matters

Non-academic complaints and appeals relate to all aspects of the Institute's operations which are not directly linked to the delivery of a program, primarily managed by corporate staff, for example:

- refusing admission to a program;
- incorrect advice given by an education agent;
- fees and refunds;
- course or provider transfers;
- cancellation of enrolment;
- incorrect advice given by an education agent;
- failure to act or taking too long to take some action;
- breaches of the Student Code of Conduct; and
- discrimination, harassment, bullying.

### 5.3. Complaints and Appeals Resolution

ACBI will always adhere to the *Standards for RTO 2015 and the National Code 2018 when dealing with and responding to complaints and appeals.*

Under this Policy, ACBI will commence the assessment of the complaint or appeal within 10 working days of it being made and finalise the outcome as soon as practicable.

Where ACBI considers more than 60 calendar days are required to process and finalise the complaint or appeal, ACBI will:

- a) inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and
- b) regularly update the complainant or appellant on the progress of the matter.

ACBI will ensure the overseas student is allowed to formally present his or her case at no cost and be accompanied and assisted by a support person at any relevant meetings.

#### 5.4. Complaints and Appeals Process

All complaints and appeals are handled through a four-stage process, with each stage representing an increase in the level of formality with which the complaint or appeal is handled:

- Stage 1 – Informal Internal Complaint
- Stage 2 – Formal Internal Complaint
- Stage 3 – Formal Internal Appeal
- Stage 4 – Formal External Appeal

ACBI will maintain student enrolment through the internal and external stages of the complaints and appeals process in all circumstances, except for overseas students where an internal appeals process results in a decision to change the student’s enrolment status.

During the complaints and appeals process, in most cases, the student will be permitted to continue their studies as normal, unless there are issues regarding duty of care or safety risks for other students or staff members. In such cases, the College will advise the students on alternative methods for them to undertake their studies.

##### 5.4.1. Informal Internal Complaint

The College expects that most complaints will be resolved informally. Informal resolution is an effective mechanism for resolving complaints and provides an ideal opportunity for open and direct dialogue between students and ACBI staff.

Both students and staff are responsible for discussing the concerns and options for resolution promptly and in good faith to reach a mutually agreeable outcome within 10 days of the concerns being raised. In the event the complaint cannot be resolved informally, or the student prefers to have the complaint addressed formally, students can consider lodging a Formal Internal Complaint (refer to section 5.4.2 of this Policy).

Type of Complaint	Informal Resolution
Academic Complaint	This refers to any complaints that relate to learning, teaching, or assessment issues. The College encourages students to discuss and try to resolve the issue with the relevant Trainer / Assessor or the Academic Support Officer, who can be contacted via email at <a href="mailto:academicsupport@acbi.edu.au">academicsupport@acbi.edu.au</a>
Administrative Complaint	This refers to any complaints that relate to the general management of ACBI. The College encourages students to discuss and try to resolve the issue with the relevant staff member or the Student Support Officer, who can be contacted via email at <a href="mailto:studentsupport@acbi.edu.au">studentsupport@acbi.edu.au</a>
Personal or Welfare Complaint	This refers to any complaints that relate to your security, safety, and well-being within the College. The College encourages students to discuss and try to resolve the issue with the Student Support Officer, who can be contacted via email at <a href="mailto:studentsupport@acbi.edu.au">studentsupport@acbi.edu.au</a>  However, for issues that relate to someone’s immediate safety and well-

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	being, please see any staff member or building security guard for assistance.
Misconduct Complaint	This refers to any complaints that relate to inappropriate misconduct or behaviour of a student or staff member. The College encourages students to discuss and try to resolve the issue with the individual or the Student Support Officer, who can be contacted via email at <a href="mailto:studentsupport@acbi.edu.au">studentsupport@acbi.edu.au</a>

When staff can resolve the complaint informally, they should record brief information in the respective student profile on the Student Management System; and also confirm the complaint resolution in writing with the student.

#### 5.4.2. Formal Internal Complaint

A student who is dissatisfied with any aspect of the ACBI's operations has the right to lodge a formal complaint to the College.

<b>Your role in submitting a formal internal complaint:</b>	<ol style="list-style-type: none"> <li>1. The student should lodge a formal complaint within 10 working days of the appearance of the issue or the last meeting where the student and ACBI failed to reach an informal resolution on the matter.</li> <li>2. Your formal complaint must be submitted in writing via the online <a href="#">Complaint/Appeal Request</a> form, available on the ACBI website, or by emailing <a href="mailto:studentsupport@acbi.edu.au">studentsupport@acbi.edu.au</a>. Ensure that the complaint is detailed and attach documentation that supports your complaint, where applicable.</li> </ol>
<b>ACBI's role in response to your formal internal complaint:</b>	<ol style="list-style-type: none"> <li>3. The College will commence investigating your formal internal complaint within 5 days of receiving the <i>Complaint/Appeal Request form</i>.</li> <li>4. You will have the opportunity to discuss your complaint in a formal meeting with the Director of Studies or Operations and Compliance Manager. You can bring a support person with you.</li> <li>5. If the complaint involves another person, they will also be allowed to respond to your complaint against them.</li> <li>6. You will receive written notice of any outcome/decision made within 10 working days of ACBI receiving the <i>Complaint/Appeal Request form</i>. The complaint details and the outcome, including reasons for the outcome, will be documented within the Complaints and Appeals Register.</li> <li>7. All information relating to the formal internal complaint will be recorded in the Student Management System.</li> </ol>

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	<p>8. If the internal complaints handling process results in a decision or recommendation in favour of the student, ACBI will immediately record this in the <i>Continuous Improvement Register</i> and implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the overseas student of that action.</p>
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If a student is dissatisfied with the decisions made in response to a formal internal complaint, the student can lodge a Formal Internal Appeal, as specified in section 5.4.3.

### 5.4.3. Formal Internal Appeal

A student who is dissatisfied with the College’s decision, action, or process has the right to have the matter or decision reviewed and to appeal the decision.

<p><b>Your role in submitting a formal internal appeal:</b></p>	<ol style="list-style-type: none"> <li>1. Students wishing to appeal with regards to any decision made by ACBI should do so <b>within 20 working days</b> of receipt of ACBI’s decision.</li> <li>2. The student must submit the formal appeal in writing using the online <a href="#">Complaint/Appeal Request</a> form, available on the ACBI website.</li> </ol> <p>The student should provide the following information:</p> <ul style="list-style-type: none"> <li>• nature and grounds for the appeal;</li> <li>• copies of written communications, or summary of discussions, with ACBI staff that took place with regards to the matter (if applicable);</li> <li>• date of the initial decision;</li> <li>• outcomes of the informal complaint process (if applicable);</li> <li>• why the matter was not resolved to his or her satisfaction (if applicable); and</li> <li>• evidence that supports the appeal (where available), which may include new evidence.</li> </ul>
<p><b>ACBI’s role in assessing your formal internal appeal</b></p>	<ol style="list-style-type: none"> <li>3. ACBI will acknowledge receipt of the appeal and assessment of the appeal will commence <b>no later than 10 working days</b> after reception of the appeal. The complaint details and the outcome, including reasons for the outcome, will be documented within the <i>Complaints and Appeals Register</i>.</li> <li>4. The Chief Executive Officer will designate another member of staff who has not had prior involvement in the case to assist with the investigation and gather relevant evidence from ACBI’s records.</li> </ol> <p><b>Assessment Appeals:</b> Appeals regarding assessment outcomes will require the Academic</p>

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	<p>Support Officer to gather information regarding the student's:</p> <ul style="list-style-type: none"> <li>• Past Student record</li> <li>• Attendance registers</li> <li>• Assessment tools and assessment data</li> <li>• Any other supporting documents</li> </ul> <p>On the advice of the DOS, an independent assessor may be invited to review the assessment outcome and provide a determination.</p> <p>5. The Chief Executive Officer establishes an Appeals Committee to review the findings of the investigation and decide on the case. The Appeals Committee will comprise members from the Academic Team, Student Support, and Compliance Team. Appeals investigations are moderated by the Director of Studies and/or Operations and Compliance Manager.</p> <p>The Appeals Committee or any staff designated to be involved in the investigation may consult with:</p> <ul style="list-style-type: none"> <li>• relevant academic and corporate staff, as well as students of ACBI, on matters pertaining to the case; and</li> <li>• request the student to meet with the Appeals Committee in person or via teleconference to discuss the case.</li> </ul>
<p><b>ACBI's role in responding to your formal internal appeal</b></p>	<p>6. ACBI will respond to the student in writing as soon as is reasonably practicable but <b>not later than 10 working days</b> after receipt of the student's appeal. The response will provide the following information:</p> <ol style="list-style-type: none"> <li>a) outcome of the review, including any remedies and recommendations, and whether the decision:             <ul style="list-style-type: none"> <li>○ confirms the original decision;</li> <li>○ varies the original decision, stating the details of the variance; or</li> <li>○ sets the decision aside and substitutes a new decision, stating the new decision;</li> </ul> </li> <li>b) reasons supporting the decision, including any relevant findings from the investigation;</li> <li>c) options for appealing the decision externally; and</li> <li>d) a copy of this Procedure and the associated Policy.</li> </ol> <p>7. If the student is <b>satisfied</b> with the appeal outcome, ACBI will immediately implement any actions arising from the outcome. The Procedure is closed once the student is advised of the completion of the actions arising from the response.</p> <p>If the student is <b>dissatisfied</b> with the appeal outcome, he or she may submit a <b>formal external appeal</b> with an independent third party.</p>

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	<p>8. If the internal appeal process results in a decision or recommendation in favour of the student, ACBI will immediately record this in the <i>Continuous Improvement Register</i> and implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the overseas student of that action</p> <p>Any recommended disciplinary action relating to misconduct must be referred to the Chief Executive Officer for approval.</p> <p><b>Students should note:</b></p> <p>In most cases, the purpose of the external appeals process will be to consider whether ACBI has followed its policies and procedures in conducting the internal complaints and appeals process.</p> <p><i>Overseas students</i> should note that, except for unsatisfactory progress, ACBI is obliged to notify the Department of Education and Training and the Department of Home Affairs of any suspension, deferral, or cancellation of their enrolment regardless of any pending external appeals process.</p> <p>ACBI will report an overseas student in PRISMS for unsatisfactory progress after:</p> <ul style="list-style-type: none"> <li>• the overseas student has chosen not to access the internal complaints and appeals process within 20 working days.</li> <li>• the overseas student has chosen not to access the external complaints and appeals process, or</li> <li>• the overseas student withdraws from the internal or external appeals process by notifying ACBI in writing.</li> </ul>
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#### 5.4.4. Formal External Appeal

If a student believes that the outcome of their internal appeal is unfair or incorrect, they may lodge an external review or complaint with an independent third party and seek a resolution via an external agency or a formal external appeal.

<p><b>Students may complain to ASQA</b></p>	<p>The Australian Skills Quality Authority (ASQA) only deals with complaints about providers' breaches of the Standards for RTOs and the National Code.</p> <p>Students can submit a complaint to ASQA through <a href="#">asqaconnect</a>, a community space for information regarding training provider-related issues, and make a complaint to ASQA regarding a training provider.</p> <p>If students are unable to access <i>asqaconnect</i>, they can submit a complaint through the National Training Complaints Hotline by either completing their <a href="#">complaints form</a> or calling the enquiry line on 13 38 73.</p>
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	<p>Students who decide to access this service, are encouraged to notify ACBI's CEO by emailing <a href="mailto:studentsupport@acbi.edu.au">studentsupport@acbi.edu.au</a>.</p> <p>Staff is to assist students during the complaint-handling process.</p>
<p><b>Students can appeal to an independent third party.</b></p>	<p>The complainant may refer to the <a href="#">Resolution Institute</a>, as an appropriate third party. Contact details are as follows:          Address: Suite 602, Level 6, Tower B, Zenith Centre, 821–843 Pacific Highway, Chatswood NSW 2067          Phone: (+61 2) 9251 3366          Free call: 1800 651 650          Email: <a href="mailto:infoaus@resolution.institute">infoaus@resolution.institute</a>          Website: <a href="https://www.resolution.institute">https://www.resolution.institute</a></p>
<p><b>Overseas students may complain to the Office of the Commonwealth Ombudsman.</b></p>	<p>Overseas students may lodge a formal external appeal regarding <b>non-academic matters or decisions</b> taken by ACBI with the Office of the <a href="#">Commonwealth Ombudsman</a>. Administrative actions and decisions include:</p> <ul style="list-style-type: none"> <li>• refusing admission to a program;</li> <li>• fees and refunds;</li> <li>• course or provider transfers;</li> <li>• cancellation of enrolment;</li> <li>• incorrect advice given by an education agent; and</li> <li>• failure to act or taking too long to take some action, like not providing your results in the normal timeframe, or not providing services included in your written agreement with the provider.</li> </ul> <p>The Office of the Commonwealth Ombudsman offers a free, independent, and impartial Australian government service for overseas students. For further details, including the online complaint process, refer to the website of the Office of the Commonwealth Ombudsman.          Phone: 1300 362 072          Online Form: <a href="#">Office of the Commonwealth Ombudsman Online Form</a></p> <p>Students who decide to access this service, are encouraged to notify ACBI's Executive Principal via email <a href="mailto:studentsupport@acbi.edu.au">studentsupport@acbi.edu.au</a>.</p>

**NOTE:** Students should be advised that once students engage in a formal external appeal, the College may be obligated to release a student's private and/or personal information. By seeking formal external appeal procedures, the student has therefore consented to this disclosure of information.

## 5.5. Unsatisfactory Course Progress

5.5.1. Where an overseas student has been deemed as not meeting satisfactory course progress, the College is obligated to report this student to the Department of Home Affairs (DHA). Once a student is reported, this may have an impact on their visa and they should seek DHA's advice on new visa requirements. ACBI will give the overseas student a written notice (*Intention to Report due to Unsatisfactory Course progress*) as soon as practicable which:

- notifies the overseas student that ACBI intends to report the overseas student for unsatisfactory course progress or unsatisfactory course attendance,
- informs the overseas student of the reasons for the intention to report,
- advises the overseas student of their right to access the ACBI's complaints and appeals process within 20 working days.

5.5.2. ACBI will only report unsatisfactory course progress or unsatisfactory course attendance in PRISMS per section 19(2) of the ESOS Act if:

- the internal and external complaints processes have been completed and the decision or recommendation supports the College, or
- the overseas student has chosen not to access the internal complaints and appeals process within the 20-working day period, or
- the overseas student has chosen not to access the external complaints and appeals process, or
- the overseas student withdraws from the internal or external appeals processes by notifying ACBI in writing.

For additional information on course progress, please refer to the ACBI *Course Progress and Completion Policy* available on the ACBI website.

## 5.6. Cancellation or Suspension of Student's Enrolment

5.6.1. If a student has failed to pay their fees or other monies or has engaged in misconduct, then the College has the right to either cancel or suspend a student's enrolment. The College will take the following steps to cancel or suspend a student's enrolment:

1. A student will be issued a written notification regarding the College's proposed cancellation or suspension of the student's enrolment, informing the student of the reasons for doing so. From the day this is issued, the student is given 20 working days to lodge a formal internal appeal.
2. If a student fails to lodge a formal internal appeal within 20 working days, or withdraws from the internal appeals processes by notifying ACBI in writing, the College is entitled to cancel or suspend the student's enrolment without further notice.

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3. Nonetheless, if a student has lodged a formal internal appeal, the College will maintain the student's enrolment active until the appeal has been assessed and a decision has been taken and communicated in writing to the students.

5.6.2. When there is any deferral, suspension, or cancellation action taken, ACBI will:

- inform the overseas student of the need to seek advice from Immigration on the potential impact on his or her student visa,
- report the change to the overseas student's enrolment via PRISMS under section 19 of the ESOS Act.

**NOTE:** The suspension or cancellation of the overseas student's enrolment under Standard 9.3 of the National Code 2018 cannot take effect until the internal appeals process is completed, unless the overseas student's health or wellbeing, or the wellbeing of others, is likely to be at risk.

## 6. Breaches

If a student or staff member is found to be in breach of this Policy, she or he may be subject to disciplinary action under the relevant Code of Conduct and Misconduct Procedure, which can be accessed from the ACBI's website.

## 7. References

*Education Services for Overseas Students Act 2000 (Cth)*

*Standards for RTO 2015*

*National Code of Practice for Providers of Education and Training to Overseas Students 2018, Standards 6, 7, 9, 10*

*Ombudsman Act 1976 (Cth)*

## 8. Acknowledgements

In developing this Policy, the Institute acknowledges:

- Commonwealth Ombudsman, Better Practice Guide to Complaint Handling
- AIBI HE Student Complaints and Appeals Policy

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1.0	01/02/15		Initial Release	All
1.1	28/03/15		Update includes appeal process updates	
1.2	22/05/15		Revised for CRICOS audit rectification, complaint escalation and third party	
1.3	31/01/18		Revised based on changes on national code	
1.4	23/05/19		Revised Policies	
1.5	11/09/19	Deirdre D'Souza	Changed title and amended formatting	
1.6	25/09/2019	Stephen Andrews	Reviewed and amended for clarity and consistency.	All
1.7	1/10/2019	Stephen Andrews & Laura Mao	Draft reviewed, revised and finalised in response to Management Team feedback.	All
1.8	7/10/2019	Julien Marechal	Alignment with Delegations Policy and Register	Section 5.3
2.0	18/10/2019	-	CEO approval	All
2.1	10/04/2024	Ivan Negro	Revised and updated for further clarity. Addition of new sections. Updated broken links. Applied new policy formatting.	All

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