

Complaints and Appeals Policy 2019

Policy Owner	College Director/Principal
Contact Officer:	Quality and Compliance Manager
Policy Number:	QHRPO009
Approved by:	Senior Management Group (17/05/18); Learning and Teaching Committee (20/04/2019); Academic Council (03/05/2019)
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Related Policies:	Academic Integrity Policy Assessment Policy Attendance Policy Bullying, Harassment and Discrimination Policy Equal Opportunity Policy Misconduct (Students) Policy Navitas Records Management, Retention and Disposal Policy Privacy Policy Progress and Graduation Policy Progress and Graduation Policy (ELICOS) Refunds Policy Transfer of Provider Policy
Related Forms:	Appeal of Assessment--Final Result (Pathway) Form Appeal of Assessment – Final Result (ELICOS) Form Appeal Request Form Complaint Form Complaint Investigation Form Refund Request Form Transfer of Provider Request

1. Overview

- 1.1. This policy has been developed to ensure all current and prospective students of ECC are given access to free, effective and fair complaints resolution and Appeals processes.
- 1.2. There are three similar (but separate) processes depending on whether the complaint or Appeal is related to:
 - Academic matters (refer to section 5.1);
 - Non-academic matters (refer to section 5.2) or;
 - Reporting students to Immigration (refer to section 5.3).Section 5 sets out the valid grounds and procedures for each type of complaint or Appeal.
- 1.3. This policy has been developed in line with requirements set out in HEP Guidelines (amendment effective January, 2007) and the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (amendment effective July 2007).
- 1.4. Appendix 1 provides a summary of the correct form to submit for each stage of the process.

2. Organisational Scope

- 2.1. Any current or prospective student of ECC or partner provider who experiences incorrect, inappropriate or unfair treatment in the course of their relationship with ECC 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.

Complaints and Appeals Policy 2019

- 2.2. Grievances experienced by ECC staff are to be dealt with according to the terms set out in the ECC Enterprise Agreement.

3. Definitions

- 3.1. **Appeal:** In this context, an appeal relates to a request to review a decision or outcome relating to any aspect of a student's results, conditions of enrolment, academic progress or enrolment.
- 3.2. **CoE:** Confirmation of Enrolment is a document registered with Immigration to confirm an international student's acceptance into a particular course for a specified duration.
- 3.3. **Complainant:** A person lodging a complaint or Appeal.
- 3.4. **Immigration HEP Guidelines:** Guidelines for Higher Education Providers set down by the Department of Education and Training to ensure compliance with the Higher Education Support Act (HESA), 2003.
- 3.5. **Immigration:** Refers to the Department of Home Affairs which is the Australian government agency responsible for multicultural affairs, immigration and border-related functions and agencies. The Department of Home Affairs is also responsible for issuing Student Visas.
- 3.6. **Institution:** relates to either ECC or its Partner Provider
- 3.7. **Overseas Students Ombudsman (OSO):** Independent office that acts as an independent third party to assist in settling complaints and Appeals between international students and private registered education providers.
- 3.8. **Partner Provider** - an institution that provides a course which is CRICOS registered as being offered by ECC, and who, for the purposes of this document oversees all matters relating to the delivery of those courses.
- 3.9. **Respondent:** A person responding to a complaint or Appeal.

4. Policy Principles

- 4.1. The principles which underpin this policy are as follows:
- 4.1.1. Consideration of complaints and Appeals will be dealt with according to principles of procedural fairness which respects the right of a Complainant to be heard by an impartial party;
- 4.1.2. Attempts will be made to resolve complaints and Appeals as close to the source as possible;
- 4.1.3. Complainants and Respondents will not be subject to discrimination or harassment resulting from their participation in the complaints process;
- 4.1.4. This complaints process does not restrict a student's or person's right to pursue other legal remedies;
- 4.1.5. Staff will make all attempts to respond to complaints within the time limits set out in this policy;
- 4.1.6. All procedures will be made available to the public on the ECC website;

Complaints and Appeals Policy 2019

- 4.1.7. Complainants and/or Respondents have the right to be represented by a third person (such as family member, friend, counsellor other professional support person other than a qualified legal practitioner) if they so desire;
- 4.1.8. 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 Complaints and Appeals Policy.
- 4.1.9. Where the Appeal relates to suspension of enrolment, students should maintain their enrolled status whilst awaiting the outcome of the Appeal.
- 4.1.10. No fee is payable by the Complainant to formally present his/her case internally to any ECC decision-maker or the Complaints and Appeals Committee.

5. Policy Content

5.1. Academic Appeals

5.1.1. The Academic Appeals process is for matters which relate to:

- Assessment and test/exam results – all courses
- Conferral of Awards

If at any point, a student becomes dissatisfied in relation to these matters, they should commence Stage One (Academic) complaints procedures which are explained below.

Complainants who require assistance with preparing a written complaint or Appeal may contact the Student Counsellor for support.

5.1.2. ECC Students have access to a four (4) stage complaints and Appeals process as follows:

Stage One (Academic) – Informal Results Query

The first step is direct communication between complainant and lecturer (or Respondent) to allow both parties to discuss their point of view and attempt to resolve the problem. The complainant should communicate the matter to relevant staff member in writing (via email) within 5 working days of results being issued.

The Complainant is entitled to request and receive from the lecturer (or Respondent) a response within 5 working days giving reasons and full explanation for decisions and actions taken.

Stage Two (Academic) - Formal Academic Appeal

If, after undertaking Stage One, or in situations where Stage One is not possible, the Complainant should lodge their Appeal in writing using the *Appeal of Assessment-Final Results (Formal) Form*. Students who require help in preparing a written complaint may contact the Student Counsellor for assistance. The form should be submitted to the nominee stated within 15 working days from release of assessment results. Within a further five working days, the nominee will explain the course of action to be taken and possible outcomes of the Appeal.

To avoid any conflict of interest, where the Academic Program Coordinator or Unit Coordinator has been involved at the informal stage, the matter must be referred to an independent and appropriate academic staff member to carry out Stage Two

Within 15 working days of receipt of academic Appeal (formal), the nominee will provide the outcome of this review to both Complainant and lecturer (or Respondent) in writing.

Complaints and Appeals Policy 2019

Stage Three (Academic) – Results Review and Appeals Committee

Where the Complainant is unsatisfied with the outcome of Stage Two and believes that:

- they did not have enough opportunity to present their case to the decision-maker; or
- the decision was affected by discrimination, prejudice or bias, or
- the process was not carried out in accordance with ECC policy or procedures; or
- the decision was made contrary to the evidence provided; or
- the outcome imposed was excessive under the circumstances.

The Complainant may Appeal against:

- the decision and/or;
- the outcome or penalty imposed by the decision

The complainant can lodge a written statement of their complaint with Student and Academic Services for review by the Appeals Committee. This statement should be lodged within 10 working days of receiving the written notification of the outcome of Stage Two negotiations.

NOTE: Any Stage Three Appeal must be based on the failure to comply with the process. A complainant cannot lodge a complaint to the Appeals Committee on the basis that he/she disagrees with the professional assessment of two academic staff.

The Appeals Committee consisting of an ECC Manager and two independent staff members, will consider the complaint within 10 working days of receipt. The Committee may ask either the Complainant or Respondent (or both) to present their case in person to the Committee. All parties will be advised of the outcome in writing.

To avoid any conflict of interest, where an ECC Manager has been responsible for the decision being appealed or has been involved in the outcome of Stage One or Two, they must nominate another senior staff member to stand in their place on the Appeals Committee.

Stage Four - External Appeal

Where the complainant is not satisfied with the outcome of Stage Three and believes that:

- they did not have enough opportunity to present their case to the decision-maker; or
- the decision was affected by discrimination, prejudice or bias, or
- the process was not carried out in accordance with ECC policy or procedures; or
- the decision was made contrary to the evidence provided; or
- the outcome imposed was excessive under the circumstances.

They may request that the matter to be referred to ECC's nominated independent Appeals reviewer within 10 working days:

International students can lodge an external Appeal with the Overseas Students Ombudsman who offers 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 or training provider. See the Overseas Students Ombudsman website: www.oso.gov.au or phone 1300 362 072 for more information.

Local students can lodge an external Appeal through the Department of Commerce:
Phone: 1300-30-40-54 or download Complaints form from:

http://www.commerce.wa.gov.au/ConsumerProtection/Content/Consumers/Complaints/Making_a_complaint.html

The independent reviewer will review processes (not the decision) undertaken in the case, seeking input from all parties before making recommendations to ECC in 15 working days.

Complaints and Appeals Policy 2019

Stage	Submit to:	Timeframe to Submit	Time frame for Response
1 – Informal Results Query	Lecturer	5 working days from initial release of assessment / final result	5 working days Email or Face-to-face with written confirmation of outcome
2 – Formal Academic Appeal	Nominee listed in Part C of Appeal of Assessment Results form	15 working days from initial release of assessment results or final results	15 working days from receipt of formal Appeal
3 – Results Review and Appeals Committee	Student and Academic Services for Appeals Committee to review	10 working days from receipt of outcome of formal Appeal	10 working days from receipt of Stage 3 statement of complaint
4 – External Appeal	Independent Appeals Reviewer	10 working days Please advise ECC of your intent to seek External Review	Refer to Independent Appeals Reviewer

5.2. General (Non-Academic) Complaints

5.2.1. The General Complaints process is for matters which relate to:

- Customer services and administration
- Refusing admission to a course or cancellation of enrolment
- Marketing-related information or incorrect advice given by an education agent
- Course or provider transfers
- Facilities
- Fee payments, fee refunds and finance related matters
- Welfare
- IELTS service, course refunds etc. (not available for complaints about test day processes or procedures or to Appeal IELTS results)

If at any point, a complainant becomes aggrieved, they should commence Stage One complaints procedures as outlined in this policy.

Complainants who require assistance with preparing a written complaint or Appeal may contact the Student Counsellor for support.

5.2.2. ECC Students have access to a four (4) stage complaints process as follows:

Stage One (Non-Academic) – Informal Complaint

The first step is direct communication between the Complainant and Respondent to allow both parties to discuss their point of view and attempt to resolve the problem. A Complainant should communicate the matter in writing to the relevant staff member within 10 working days of becoming aware of the problem by email to studentservices@edithcowancollege.edu.au

The complainant is entitled to request and receive from the respondent a written response giving reasons and full explanation for decisions and actions taken within 5 working days.

Stage Two (Non-Academic) – Formal Complaint

If, after undertaking Stage One, or in situations where Stage One is not possible, the complainant should lodge their complaint in writing by lodging a *Complaints Form* within 10 working days of the complaint issue becoming known. (If the complaint arises from a matter which relates to rejection of an application which has a specific form, use the *Appeals Form*). The Complainant is invited to make an appointment to speak with the relevant staff member to

Complaints and Appeals Policy 2019

present their case in person. Students who require help in preparing a written complaint may contact the Student Counsellor for assistance. The form should be submitted to Student and Academic Services who will submit the formal complaint to the relevant ECC Manager to try and resolve the matter.

To avoid any conflict of interest, where an ECC Manager has been involved at the informal stage, the matter must be referred to another independent and appropriate staff member to carry out Stage Two.

Within 15 working days of receipt of the complaint, the Student Services and Academic Services will provide (in writing) the outcome to both Complainant and Respondent.

Stage Three (Non-Academic) – Complaint Review and Appeals Committee

Where the Complainant is not satisfied with the outcome of Stage Two and believes that:

- they did not have enough opportunity to present their case to the decision-maker; or
- the decision was affected by discrimination, prejudice or bias, or
- the process was not carried out in accordance with ECC policy or procedures; or
- the decision was made contrary to the evidence provided;
- the outcome imposed was excessive under the circumstances.

The Complainant may Appeal against:

- the decision and/or;
- the outcome or penalty imposed by the decision

The Complainant can lodge a written statement of their complaint to Student and Academic Services so that it can be reviewed by the Appeals Committee. This statement should be lodged within 10 working days of receiving the written notification of the outcome of Stage Two negotiations.

The Appeals Committee consisting of an ECC Manager and two independent staff will consider the complaint within 10 working days of receipt. The Appeals Committee may ask either the Complainant or Respondent (or both) to present their case in person to the Committee. All parties will be advised of the outcome in writing.

Stage Four - External Appeal

Where the Complainant is not satisfied with the outcome of Stage Three and believes that:

- they did not have enough opportunity to present their case to the decision-maker ; or
- the decision was affected by discrimination, prejudice or bias, or
- the process was not carried out in accordance with ECC policy or procedures; or
- the decision was made contrary to the evidence provided; or
- the outcome imposed was excessive under the circumstances.

They may request that the matter to be referred to ECC's nominated independent Appeals reviewer within 10 working days.

International students can lodge an external Appeal with the Overseas Students Ombudsman who offers 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 or training provider. See the Overseas Students Ombudsman website: www.oso.gov.au or phone 1300 362 072 for more information.

Local students can lodge an external Appeal through Department of Commerce:
Phone: 1300-30-40-54 or download at Complaints form from:
http://www.commerce.wa.gov.au/ConsumerProtection/Content/Consumers/Complaints/Making_a_complaint.html

Complaints and Appeals Policy 2019

The independent reviewer will review the processes (not the decision) undertaken in the case, seeking input from all parties before making recommendations to ECC within their own timeframe.

Please advise ECC of your intent to seek External Review to avoid ECC taking action that may be contrary to your right to Appeal.

Stage	Submit to:	Time frame to Submit	Time frame for Response
1 – Informal Complaint	ECC Staff member	10 working days	5 working days
2 – Formal Complaint	Student and Academic Services for ECC Manager to review	10 working days	15 working days from receipt of complaint
3 – Complaint Review and Appeals Committee	Student and Academic Services for Appeals Committee to be convened	10 working days from receipt of outcome of complaint	10 working days from receipt of Stage 3 statement of complaint
4 – External Appeal	Independent Appeals Reviewer	10 working days Please advise ECC of your intent to seek External Review to avoid ECC taking action that may be contrary to your right to Appeal.	Refer to Independent Appeals Reviewer

5.3. Appeals against Exclusion and Reporting Students to Immigration

- 5.3.1. Appeals under this category will be in response to ECC notifying a student that they intend to exclude a student's enrolment and (if applicable) report the student to Immigration for not complying with the conditions of their student visa. This may occur in relation to:
- Poor attendance;
 - Unsatisfactory Academic Progress;
 - Failure to pay fees; or
 - Failure to maintain enrolment in a registered course (as stated on the CoE for international students).

Once ECC notifies a student of their intention to exclude enrolment and (if applicable) report them to Immigration, the student may commence the Stage One Appeals procedure which is explained below.

Complainants who require assistance with preparing a written complaint or Appeal may contact the Student Counsellor for support.

ECC students who receive a notice that they will be excluded and/or reported to Immigration have access to a four stage Appeals process as follows.

Stage One (Exclusion/Immigration Reporting) – Informal Complaint

The decision to exclude and/or report a student to Immigration arises from failure to meet progress rules, visa obligations and/or breaching misconduct rules at ECC. Students being issued a Notice of Intention to Exclude should contact a Student and Academic Services officer or the Student Counsellor (or representative) to discuss the matter and provide information which may change the outcome of the reporting process in writing (via email) within 5 working days.

The complainant is entitled to request and receive from the respondent a written response giving reasons and full explanation for decisions and actions taken within 5 working days.

Complaints and Appeals Policy 2019

Stage Two (Exclusion/Immigration Reporting) – Formal Complaint

If, after undertaking Stage One, or in situations where Stage One is unsuitable, the student should lodge their Appeal in writing by lodging the *Appeals Request Form* within 20 working days of the issue date of the *Notice to Exclude* letter. The student is invited to make an appointment to speak with the relevant Manager to present their case in person. Students who require help in preparing a written complaint may contact the Student Counsellor for assistance. The form should be submitted to the relevant Manager (whose name appears on the bottom of the letter) who will arrange a time to discuss the matter.

The student and the Student Counsellor (or representative) will be advised of the outcome in writing within 15 working days.

Stage Three (Exclusion/Immigration Reporting) – Complaint Review and Appeals Committee

Where the student is not satisfied with the outcome of Stage Two and believes that:

- they did not have enough opportunity to present their case to the decision-maker; or
- the decision was affected by discrimination, prejudice or bias, or
- the process was not carried out in accordance with ECC policy or procedures; or
- the decision was made contrary to the evidence provided; or
- the outcome imposed was excessive under the circumstances.

The Complainant may Appeal against:

- the decision and/or;
- the outcome or penalty imposed by the decision

The student can lodge a written statement of their Appeal with Student and Academic Services for an Appeals Committee to be convened. This statement should be lodged within 10 working days of receiving the written notification of the outcome of Stage Two negotiations.

The Appeals Committee consisting of a Manager and two independent staff members will consider the Appeal within 10 working days of receipt. The Committee may ask either the student or Respondent (or both) to present their case in person to the Committee.

All parties will be advised of the outcome in writing within 10 working days.

Stage Four (Exclusion/Immigration Reporting) – External Appeal

Where the complainant is not satisfied with the outcome of the Stage Three and believes that:

- they did not have enough opportunity to present their case to the decision-maker; or
- the decision was affected by discrimination, prejudice or bias, or
- the process was not carried out in accordance with ECC policy or procedures; or
- the decision was made contrary to the evidence provided; or
- the outcome imposed was excessive under the circumstances.

They may request that the matter to be referred to ECC's nominated independent Appeals reviewer within 10 working days:

International students can lodge an external Appeal with the Overseas Students Ombudsman who offers 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 or training provider. See the Overseas Students Ombudsman website: www.oso.gov.au or phone 1300 362 072 for more information.

Complaints and Appeals Policy 2019

Local students can lodge an external Appeal through the Department of Commerce:

Phone: 1300-30-40-54 or download Complaints form from:

http://www.commerce.wa.gov.au/ConsumerProtection/Content/Consumers/Complaints/Making_a_complaint.html

The independent reviewer will review the processes (not the decision) undertaken in the case, seeking input from all parties before making recommendations to ECC within their own time frame.

Please advise ECC of your intent to seek External Review to avoid ECC taking action that may be contrary to your right to Appeal. Where the external Appeal is not approved, the student will be excluded and (if applicable) reported to Immigration .

STAGE	SUBMIT TO:	TIMEFRAME TO SUBMIT	TIMEFRAME FOR RESPONSE
1 – Informal Complaint	Student and Academic Services	As soon as possible (< 20 working days)	Within 5 working days in writing or face-to-face
2 – Formal Appeal	Student and Academic Services for ECC Manager to review	20 working days from Notice to Exclude letter	15 working days from receipt of Appeal application
3 – Complaint Review and Appeals Committee	Student and Academic Services for Appeals Committee to be convened	10 working days	10 working days from receipt of Stage 3 statement of complaint
4 – External Appeal	Independent Appeals Reviewer	10 working days Please advise ECC of your intent to seek External Review to avoid ECC taking action that may be contrary to your right to Appeal.	Refer to Independent Appeals Reviewer

6. Administrative Procedures

- 6.1. This policy and related documentation is accessible through the ECC website at: www.edithcowancollege.edu.au/policies
- 6.2. The relevant ECC forms can be downloaded from <https://www.edithcowancollege.edu.au/documents-and-forms> or contact the ECC Welcome Centre. Records of all complaints and Appeals will be kept for a period of seven years. These records will be filed in student files and listed in a separate Complaints Register. These records will be the responsibility of Student and Academic Services Manager.
- 6.3. Any recommendations for process improvement or policy change arising out of any stage of the complaints and Appeals process will be forwarded the Senior Management team for recording and consideration.
- 6.4. Changes to this policy and related procedures will be communicated to staff via email. New staff will receive policy information during the induction process.
- 6.5. Students are advised of their rights/obligations through their Orientation Pack (ESOS Framework), the Student Handbook and the ECC website.
- 6.6. Recommendations arising from any external review of the Complaints and Appeals Policy or procedures should be implemented within 90 days of notification.

Complaints and Appeals Policy 2019

Appendix 1: Which form do I fill in?

ISSUE	Stage 1 (Informal)	Stage 2 (Formal)	Stage 3 (Review and Appeals Committee)	Stage 4 (External Appeal)
I want to appeal my assessment results	Email and arrange to meet lecturer to discuss/review assessment	Appeal of Assessment / Final Result Form (for independent reviewer)	Not applicable (unless Stages 1 + 2 are not followed). Students cannot appeal marks on the basis of simply disagreeing with mark/grades	<ul style="list-style-type: none"> • Appeal to external agency (as per Stage 4 of relevant section in <i>Complaints and Appeals Policy</i>) • Students/complainants must work through internal processes (Stage 1, 2 and 3) before taking their case to the external agency. • Students/complainants must advise ECC of their intention to lodge an external complaint.
I have a general complaint	Any verbal complaint, email message or written letter	If dissatisfied with outcome of informal complain, use the Complaints Form If dissatisfied with outcome of an application which has a specific form, use the Appeals Request Form	Appeals Request Form Requires evidence of Stage 1 and Stage 2 complaint. Requires evidence that ECC has not followed its own policies/procedures or has breached applicable laws.	
I don't want to be excluded or reported to Immigration	Any verbal complaint, email message or written letter	Appeals Request Form	Appeals Request Form Requires evidence of Stage 1 and Stage 2 complaint. Requires evidence that ECC has not followed its own policies/procedures or has breached applicable laws.	