

UNSWIL Complaints and Appeals Policy and Procedures for English Language Students

Policy Name	UNSW Global Pty Limited UNSWIL Complaints and Appeals Policy and Procedures for English Language Students
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Responsibility	Director of Studies, English
Approved By	Diana Keilar, Director

1. Preamble

In compliance with National Code 07's Standard 8, AQTF 2007 Standards and NEAS guidelines, UNSWIL has documented procedures for handling complaints, grievances or appeals.

Accordingly, UNSWIL's internal complaints and appeals process

- requires a written record if the complaint or appeal cannot be resolved informally;
- provides a student with the opportunity to formally present his or her case at minimal or no cost;
- allows the student to be assisted or accompanied by a support person;
- provides a written statement of the outcome, including details and reasons for the decision; and
- requires that processes begin within 10 working days of the provider receiving the formal written lodgement of the complaint or appeal and all reasonable measures are taken to finalise the process as soon as practicable.

2. Scope

This policy applies to complaints or appeals made by international or migrant students enrolled in any of UNSWIL's English Language programmes. Complaints received by any member of UNSWIL staff will be referred to the Head of Studies of the relevant programme, the relevant Director of Studies or to the Manager, Admissions, who will ensure that the Complaints and Appeals process is followed.

The complaint and details of the progress of the Complaints and Appeals Process shall be copied to relevant Heads of Studies, Director of Studies and to the Director.

3. Definitions

UNSW Global Pty Limited, a not-for-profit provider of education, training and consulting services, is a wholly owned enterprise of the University of New South Wales (UNSW).
 UNSW Global Pty Limited and UNSW Institute of Languages CRICOS Provider No 01020K.

4. Terminology

DIAC Department of Immigration and Citizenship
 AMEP Adult Migrant English Program
 DEEWR Department of Education and Workplace Relations

5. Policy Statement

This policy complies with the following legislative framework governing the delivery of education to overseas students studying in Australia on a student visa:

- Education Services for Overseas Students (ESOS) Act 2000
<http://www.comlaw.gov.au/comlaw/management.nsf/lookupindexpagesbyid/IP200401844?OpenDocument>
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (The National Code 2007)
<http://aei.dest.gov.au/AEI/ESOS/NationalCodeOfPractice2007/Default.htm>

6. Policy Implementation

UNSW Global Pty Limited, represented by its educational group UNSW Institute of Languages must comply with the ESOS Act and its regulations. Each staff member involved in the promotion, recruitment, admission, delivery, management or administration of courses for overseas students on student visas is responsible for the implementation of this policy.

The Complaints and Appeals Procedure will be filed in the Public folder (X:\IL\Public Folders\HR Public\Student Policies) to which all teachers and Student Services staff members have access.

The Manager, Admissions will ensure that all Student Services staff are aware of the policy and procedure.

New teaching and Student Services staff will be directed to the public folder to become familiar with the procedure as part of their induction.

7. Policy Review

The Director of Studies, English will review this policy annually, or in case of legislative changes governing the delivery of education services to overseas students on a student visa or to migrant students. All relevant staff will be informed of any change to the policy and procedure.

8. Policy Content and Procedures

Complaints and Appeals Steps

Step 1

The student should try to resolve the matter with the person concerned in an informal manner through discussion and negotiation.

Step 2

If the student is unable to resolve a complaint by discussion with the relevant UNSWIL staff member(s), or if there is an UNSWIL decision that the student chooses to appeal, the student will be provided with UNSWIL's Complaints and Appeals Policy and Procedure in full or can access it on the Student Intranet. Staff members will be available to attend to the student's complaint or appeal as designated below.

- For complaints involving teaching or administrative staff, and/or other students, the student should see a Student Adviser or Course Coordinator in the first instance. Where the complaint involves that person, the matter will be referred to the next most senior appropriate member of staff, e.g. Head of Studies or Director of Studies.

- Where the complaint relates to student fees or enrolment, the matter should first be taken up with the Manager, Admissions.
- If the student is appealing a decision to be reported to DIAC for attendance, course progress or academic misconduct issues s/he should first meet the Director of Studies (or his/her nominee) to discuss the matter. If the student chooses to proceed with an appeal, s/he will be provided with a formal appeal document which must be completed and submitted to the Director of Studies (or his/her nominee), along with relevant supporting documentation within the specified time (23 working days). The Director of Studies or his/her nominee will inform the student of the outcome of the appeal within 10 working days.

Step 3 & 4

If the student believes that the complaint or appeal has not been satisfactorily resolved, s/he should refer the complaint to the Director of UNSWIL or his/her nominee, who may then refer the complaint on to the CEO of UNSW Global. The Director or his/her nominee will give a decision (including reasons), within 10 working days.

Step 5

If the matter is not satisfactorily resolved at this stage, the student should refer the complaint to the external body of the NSW Ombudsman via the UNSW Registrar.

<http://www.ombo.nsw.gov.au/aboutus/dealwithcomplaints.html>

The student must inform UNSW Institute of Languages in writing that s/he has chosen to appeal to the Ombudsman.

AMEP Students: Where a grievance cannot be resolved through the published processes UNSWIL will refer the matter to the DIAC.

8.1 Maintaining a Student's Enrolment during the Complaints and Appeals Process

UNSWIL will maintain the student's enrolment while the internal complaints and appeals process is ongoing. This does not necessarily mean that a student must remain in class. To 'maintain the student's enrolment' means UNSWIL does not notify DEEWR (international students on student visas) of any change to the student's enrolment status through the Provider Registration and International Student Management System (PRISMS), or DIAC (AMEP students) of any similar change through the AMEP Reporting and Management System (ARMS).

UNSWIL will maintain the student's enrolment throughout the internal appeals process for all types of complaints or appeals. However, whether UNSWIL will maintain the enrolment throughout an external appeals process depends on the type of appeal.

International Students:

8.1.1 If the appeal is against UNSWIL's decision to report the student for:

- Unsatisfactory course progress (covered by Standard 10) or
- Unsatisfactory attendance (covered by Standard 11)

UNSWIL must maintain the student's enrolment (ie. not report the student for unsatisfactory progress or attendance) until the external complaints process is complete and has supported UNSWIL's decision to report.

UNSWIL will wait for the outcome of the external process in this case as reporting a student for

unsatisfactory progress or attendance has serious consequences for the student's visa – it may result in automatic cancellation.

8.1.2 If the appeal is against UNSWIL's decision to:

- defer or suspend a student's enrolment due to misbehaviour, or
- to cancel the student's enrolment (covered by Standard 13)

UNSWIL only needs to await the outcome of the internal appeals process (supporting the provider) before notifying DEEWR through PRISMS of the change to the student's enrolment.

8.1.3 Once DEEWR has been notified of a deferment, suspension or cancellation of a student's enrolment, the student has 28 days in which to:

- leave Australia
- show the Department of Immigration and Citizenship (DIAC) a new Confirmation of Enrolment (CoE) , or
- provide DIAC with evidence that he or she has accessed an external appeals process.

All Students:

8.2 Attendance in Class during the Complaints and Appeals Process

The Director, in consultation with the Director of Studies, Head of Studies and any relevant teaching or student support staff must decide whether UNSWIL will continue to offer learning opportunities throughout any appeals process. It may be decided that the student will be excluded from class but continue to be provided with work to complete outside of the classroom environment. The Director will consider whether denying the student learning opportunities throughout the appeals process may disadvantage the student in his/her subsequent studies should the appeals process find in his/her favour.

8.3 Timeframe of the Complaints and Appeals Process

The Complaints and Appeals process will begin within 10 days of receipt of the formal complaint. It will be completed within a reasonable timeframe which takes into consideration factors such as the length of a student's visa and the student's enrolment in future subjects and/or courses.

8.4 Outcome of the Appeals Process

A written statement of the outcome of a complaint or appeal including details and reasons for the decision will be communicated to the complainant and the student's file will be updated to record the outcome, and any subsequent actions.

If the outcome of a student's appeal through UNSWIL's internal or external complaints and appeals handling process is favourable to the student, UNSWIL will immediately advise the student of this and implement any decision and/or corrective and preventive action required.

In most cases, the purpose of the external appeals process is to consider whether the provider has followed its policies and procedures – it is not to make a decision in place of the institution.

For example, if a student appeals against his or her subject results and goes through UNSWIL's internal appeals process, the external appeals process (if accessed) would look at the way in

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which the internal appeal was conducted; it would not make a determination as to what the subject result should be.

If a student takes the complaint or appeal to the external process, the student must be informed promptly of the decision reached by the external body.

8.5 Informing Students of the Complaints and Appeals Process

UNSWIL students are given information about the complaints and appeals processes during their orientation programme and in the Student Handbook, available at orientation, on the student intranet and on the Institute of Languages website.

9 Attached Documentation

Flowchart for student information from Student Handbook
Warning letters
Intention to Report Letter
Outcome of Internal Appeal letter

10 Related Policies and Procedures

Monitoring Student Attendance