

# Student Complaints and Appeals Policy (VET & ELICOS)

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## 1. Purpose

- 1.1 This policy provides a framework for resolving complaints and appeals in a fair, transparent and equitable manner at Stanley College.
- 1.2 This policy seeks to ensure that:
- 1.2.1 Complaints and appeals are dealt with consistently, fairly and without reprisal;
  - 1.2.2 The rights of all parties are protected;
  - 1.2.3 Complaints and appeals are resolved as promptly and efficiently as possible;
  - 1.2.4 Management of complaints follows standard procedures; and
  - 1.2.5 The internal and external complaints procedures are in accordance with legislated requirements and best practice.

## 2. Scope

- 2.1 This policy applies to:
- 2.1.1 all staff;
  - 2.1.2 current VET, ELICOS, Australian Computer Society Professional Year Program (ACS PYP) and Accounting Professional Year Program (APYP) students; and
  - 2.1.3 prospective VET, ELICOS, Australian Computer Society Professional Year Program (ACS PYP) and Accounting Professional Year Program (APYP) students.

## 3. Responsibility

- 3.1 The Dean of VET is accountable for oversight of complaints and appeals relating to VET students, Professional Year Program (PYP) students and ELICOS students.
- 3.2 The Quality & Standards Manager is responsible for the following in relation to the complaints and appeals process:
- 3.2.1 oversight of the complaints and appeals management processes;
  - 3.2.2 resolution of complaints and appeals;
  - 3.2.3 recording of complaints and appeals; and
  - 3.2.4 notifying students of the complaints and appeals outcome in a timely manner.

## 4. Definitions

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| <b>Appeal</b>                  | A request for a decision to be reviewed by an independent area. Appeals can be lodged about academic and non-academic decisions made, including: <ul style="list-style-type: none"> <li>• student misconduct</li> <li>• refused transfer requests</li> <li>• course progress</li> <li>• student enrolment cancellation.</li> </ul> |
| <b>Australian Consumer Law</b> | A national law guaranteeing consumer rights when buying goods  |

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|                                  | and services to ensure consumers (including students) are not given false or misleading information. Education Services provided by Stanley College is covered by Australian Consumer Law.   |
| <b>Complainant</b>               | The person who lodges a complaint.   |
| <b>Complaint</b>                 | A complaint can be informal (feedback) or formal (in writing), which require a process of review by Stanley College and a response to the Complainant within a required timeframe.   |
| <b>Closing Officers</b>          | Complaints and Appeals will be closed by an appropriate Closing Officer. A list of Closing Officers is provided in 'Guideline 1 – Delegated Officers and Closing Officers' within this policy. The Closing Officer can also be the Delegated Officer (see below).  |
| <b>Delegated Officers</b>        | Complaints and Appeals will be investigated by an appropriate Delegated Officer(s) who is independent of the complaint. This officer is also responsible for making the final decision on the student case outcome. Delegated officers are dictated by the nature and location of the complaint/appeal within the organisation (i.e. Faculty or department). A list of Delegated Officers is provided in 'Guideline 1 – Delegated Officers and Closing Officers' within this policy. |
| <b>eCAFO</b>                     | Electronic Complaints and Appeals Form (eCAFO), accessible via the Stanley College website for the submission of all Complaints and Appeals.   |
| <b>Education Agent</b>           | A person or organisation (in or outside Australia) who recruits overseas students and refers them to education providers. In doing so, the education agent may provide education counselling to overseas students as well as marketing and promotion services to education providers.<br>Education agent does not refer to an education institution with whom an Australian provider has an agreement for the provision of education (that is teaching activities).                  |
| <b>ELICOS</b>                    | English Language Intensive Courses for Overseas Students.  |
| <b>Funded Course</b>             | A course that has been allocated funds by the State Government for Domestic Students to access.  |
| <b>Funded Students</b>           | Students who are studying a Funded Course.   |
| <b>International Student</b>     | A student studying in Australia on a student visa issued by DoHA.  |
| <b>Professional Year Program</b> | A Professional Year Program is a structured professional development program combining formal learning and workplace experience for international students who have graduated from a university in Australia. Professional Year Programs run for 12 months and are currently available in the fields of accounting, computer science and engineering — Australian industries where the demand for skilled graduates is high.   |
| <b>Executive Management Team</b> | The <b>Executive Management Team</b> refers to: <ul style="list-style-type: none"> <li>• President</li> <li>• Vice President Business Development</li> <li>• Vice President, Wellbeing &amp; Engagement</li> <li>• Dean VET</li> <li>• Dean Higher Education</li> <li>• Chief Financial Officer</li> </ul>   |

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|                    | <ul style="list-style-type: none"> <li>• ICT Manager</li> <li>• Marketing Manager</li> <li>• Human Resources Manager</li> </ul>                       |
| <b>Third Party</b> | Any party that provides services on behalf of Stanley College but does not include a contract of employment between Stanley College and its employee. |
| <b>VET</b>         | Vocational Education and Training.  |

## 5. Policy Provisions

### Principles

- 5.1 Stanley College provides a complaints and appeals process that is transparent, fair and equitable. Subject to the complaint and appeal being heard and investigated within Stanley College in the first instance, further appeals may be referred to an independent external body.
- 5.2 Stanley College's complaints and appeals processes are:
- 5.2.1 available to all students;
  - 5.2.2 confidential; and
  - 5.2.3 free of cost.
- 5.3 The processes set out in the accompanied *Student Complaints and Appeals Procedure (VET & ELICOS)* do not replace or modify procedures or any other responsibilities which may arise under Stanley College's policies or under statute or any other law. Nothing in these procedures limits the rights of individuals to take action under Australian Consumer Law. Also, these procedures do not circumscribe an individual's rights to pursue other legal remedies.
- 5.4 Stanley College will respond to any complaint or appeal a student makes regarding his or her dealings with the College. This includes education agents or third-party providers that deliver a course or related services.
- 5.5 The College provides complaints and appeals handling processes that adhere to the following principles. The College will:
- 5.5.1 respond to complaints and appeals from students via [feedback@stanleycollege.edu.au](mailto:feedback@stanleycollege.edu.au), directly from Student Services or from a member of the Executive Management Team which must have been completed using the 'electronic Complaints and Appeals Form' (eCAFO);
  - 5.5.2 commence the assessment of the complaint or appeal within 10 working days of lodgement of the eCAFO via the Stanley College website and finalise the outcome as soon as possible;
  - 5.5.3 aim to develop a culture where complaints and appeals are viewed as an opportunity for improvement at the College;
  - 5.5.4 provide an environment in which students may make complaints without fear of reprisal or discrimination at any time;
  - 5.5.5 ensure that staff are aware of complaints and appeals processes and are trained appropriately to ensure that processes are consistently applied;
  - 5.5.6 require respectful behaviour amongst all parties when handling complaints and appeals;
  - 5.5.7 communicate effectively in a timely manner to keep all parties up to date with the progress of the complaint or appeal;
  - 5.5.8 take measures to hold information in the utmost confidence;

- 5.5.9 apply the principles of natural justice – that is, to give all parties the chance to present their case and have an opportunity to reply;
  - 5.5.10 aim to resolve complaints and appeals to the satisfaction of all parties; and
  - 5.5.11 where more than 20 working days are required to finalise complaint, the complainant will receive formal notification detailing the reason why additional time is required beyond the 20 working days’ time period.
  - 5.5.12 Complaints and Appeals will be investigated by an appropriate Delegated Officer(s) and then closed by an appropriate Closing Officer. Further details concerning this can be found at the end of this policy in the ‘Guideline 1 – Delegated Officers and Closing Officers’.
- 5.6 Where a student lodges a complaint or appeal using the eCAFO and it is not successful, Stanley College will advise the student within 10 working days of the decision and the reasons for that decision. The student will also be advised of circumstances under which they may have a right to access an external complaints or appeals process. Stanley College will provide the contact details of the appropriate external body within the notification sent to the student via email.
- 5.7 If the student lodges a complaint or appeal and it is in favour of the student, Stanley College will immediately implement the decision or recommendation and take the relevant preventive or corrective action. Stanley College will also advise the student of that action within the notification of the complaints or appeals outcome sent via email.
- 5.8 The process for handling complaints and appeals is separated into two streams: academic and non-academic. The overarching principle is for the complaint to be directed to the person or persons involved in the first instance (Informal Complaint process), and then taken through the hierarchical structure (Formal Complaint and Appeals process) if the issue is not resolved at each level. The final internal decisions are made by the delegated officer(s) investigating the complaint as detailed ‘Guideline 1 – Delegated Officers and Closing Officers’ within this policy.
- 5.9 Current students, or those seeking to enrol in a course of study with the College, are entitled to access the complaints and appeals processes set out in this policy.
- 5.10 The complainant has the right to be represented by a third-party representative (such as a family member, friend, counsellor or other professional support person, other than a legal representative) if they require a support person. This is applicable for all types of complaints and at all stages during the process.
- 5.11 The College will maintain a register of all complaints and appeals.

### **Grounds for a complaint or appeal**

- 5.12 Complaints or appeals may be lodged against decisions made under Stanley College policies or procedures.
- 5.13 Complaints may be lodged due to, but not limited to, the following:
- 5.13.1 a Stanley College third-party provider or staff member’s actions;
  - 5.13.2 another student’s behaviour;
  - 5.13.3 bullying; discrimination; harassment or related matters protected by law; false or misleading information or advice in relation to marketing by the College or one of its authorised Education Agents;
  - 5.13.4 breach of privacy;

- 5.13.5 finance-related matters (including fee payments, refunds); and
- 5.13.6 conduct or decisions that have an unreasonable negative impact on the student.

5.14 Complaints and Appeals may be lodged by a student due to a decision made by Stanley College including, but not limited to, the following:

- 5.14.1 an assessment outcome or result;
- 5.14.2 a complaint outcome;
- 5.14.3 admission;
- 5.14.4 enrolment;
- 5.14.5 unsatisfactory course progress;
- 5.14.6 unsatisfactory course attendance (ELICOS, ACS PYP and APYP only);
- 5.14.7 transfer;
- 5.14.8 withdrawal;
- 5.14.9 credit;
- 5.14.10 exclusion;
- 5.14.11 student discipline matters (including misconduct, cheating, unfair advantage and plagiarism);
- 5.14.12 special consideration;
- 5.14.13 fees and charges; or
- 5.14.14 refunds.

### Possible Outcomes

5.15 Possible outcomes of a Complaint or Appeal may include at least one of the following:

- 5.15.1 Dismissal of the complaint
- 5.15.2 Written undertaking or apology;
- 5.15.3 Written agreement on future behaviours or actions;
- 5.15.4 Disciplinary action, including possible expulsion from the College where a student is found to have acted in a way that is a serious breach of the *Stanley College Code of Conduct*;
- 5.15.5 Remedial action (e.g. correction of records, revised policies or procedures) or new internal policies, procedures or guidelines; or
- 5.15.6 Conciliation/mediation under the guidance of a mutually accepted third party (internal or external).

5.16 Unless there are valid reasons for Stanley College to believe that there is a risk to other students or staff of the College, the student will remain enrolled, pending the outcome of any Appeal process.

### External Avenues for Complaints and Appeals

5.17 All students have the right to lodge an external appeal within 10 working days from the date Stanley College issues written notification of the final decision arising from the internal complaint or appeal. External avenues of appeal are only available to students who have submitted an internal complaint or appeal with Stanley College in the first instance.

5.18 Grounds for an external appeal are that:

- 5.18.1 There was a lack of natural justice – that is, there was insufficient opportunity to present their case;
- 5.18.2 There was evidence of bias or discrimination in the decision;

- 5.18.3 The process was not carried out in line with Stanley College procedures;
- 5.18.4 The decision was contrary to the evidence provided;
- 5.18.5 The penalty was excessive under the circumstances.

5.19 External avenues include:

- 5.19.1 The National Training Complaints Hotline (for Local Students only);
- 5.19.2 The Accounting Professional Year Program Manager (for APYP students only);
- 5.19.3 The Australian Computer Society (for ACS PYP students only);
- 5.19.4 Overseas Student Ombudsman (for International students only); and
- 5.19.5 The VET Student Loans Ombudsman (for VET Student Loans Students only).

5.20 For complaints or appeals specifically related to the Standards for Registered Training Organisations, students can also submit an external complaint to:

- 5.20.1 The Australian Skills Quality Authority (ASQA) (for VET and ELICOS Students only).

### Record Keeping

5.21 Records of all complaints and appeals will be kept and be accessible to all interested parties for a period of five years. All complaints and appeals received via the [feedback@stanleycollege.edu.au](mailto:feedback@stanleycollege.edu.au) email address will be logged and all evidence of completion will be securely stored on Stanley College servers (no references to a Complaint/Appeal should be stored on the Student Management System, ebecas).

## 6. Policy Information

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| Policy Area   | Academic   |
| Authorised Officer                                      | Dean VET   |
| Supporting documents, procedures & forms of this policy | <i>Student Complaints and Appeals Procedure (VET &amp; ELICOS)</i><br><i>electronic Complaints and Appeals Form (eCAFO)</i><br><i>Complaints and Appeals Register</i><br><i>Student Record Management Policy (VET)</i><br><i>CAFO Outcome Record Form</i>  |
| Related Legislation and Codes of Practice               | Standards for Registered Training Organisations (RTOs) 2015 (Standard 6; clauses 6.1, 6.2, 6.3, 6.4, 6.5, 6.6)<br>ELICOS Standards 2018<br>National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Standard 10)<br>Education Services for Overseas Students (ESOS) Act 2000<br>The Accounting Professional Year Program |

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|          | Provider Manual 2019<br>ACS PY Complaints and Appeals Policy and Procedures<br>ACS Professional Year Student Management and Admissions Framework v2.0 Feb 2020 |
| Audience | Public   |

## Guideline 1 – Delegated Officers and Closing Officers

The below list provides a guide as to whom may be the Delegated Officer to Investigate a case and whom would be the officer required to close the case and send an official eCAFO Outcome to the student.

| Area of Complaint or Appeal  | Delegated Officer for Investigation  | Closing Officer (Can be the Delegated Officer)                    |
|--|--|---|
| Notice of Intention to Report, Student experience, student services, Code of Conduct, Attendance or Participation, Staff Member Conduct Allegation | Senior Student Support Officer, Student Engagement Manager, VPCSO                            | Senior Student Support Officer, Student Engagement Manager, VPCSO |
| Assessment outcome, Faculty Issue, Faculty Resources, Course Related, Course Materials, Training-Assessment, Trainer Conduct Allegation            | Faculty Manager, Dean VET  | VET Administration Team   |
| Facilities, Campus, IT resources   | Senior Student Support Officer, Student Engagement Manager, VPCSO, WHS Manager or IT Manager | Senior Student Support Officer, Student Engagement Manager, VPCSO |
| Notice of Intention to Cancel (code of conduct, disciplinary matter, behaviour)  | Senior Student Support Officer, Faculty Manager, Student Engagement Manager, VPCSO           | Senior Student Support Officer, Student Engagement Manager, VPCSO |
| Notice of Intention to Cancel (Fees), Cancellation Fees, Fees  | Chief Financial Officer, VPCSO, Accountant   | CFO, Accountant   |
| Higher Education   | Forward to HE Compliance   | Forward to HE Compliance  |