



Overseas Student Complaints and Appeals Policy and Procedure

Version 1.1

Effective Date: 23/11/2013

Purpose

To ensure that IHM responds to complaints from overseas students in a timely, appropriate, fair and equitable manner and meets all regulatory requirements in relation to complaint handling

Scope

This policy applies to complaints initiated by students enrolled in a course of study to which the ESOS Act 2000 applies.

Responsibility

All IHM employees handle complaints on an informal basis. If an overseas student lodges a formal complaint, the Director of Studies and the Student Misconduct, Complaints and Appeals Committee have specific responsibilities set out in this document.

Definitions

Complainant: Person who is making a complaint and, for the purpose of this policy, an overseas student who is making a complaint.

Complaint:

Academic Complaint: A complaint that relates directly to teaching, learning and assessment. Examples may include complaints about the effectiveness of teaching, the quality of teaching materials,

Non Academic Complaint: A complaint that is not directly related to teaching and learning, such as a complaint about finance or advertising.



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Informal Resolution: Direct action or discussion to resolve a complaint by the staff member who has received it.

Escalation: The raising of an appeal to a higher level of the complaint response hierarchy.

Reportable breach: An action or inaction which must be reported under section 19 of the Education Services for Overseas Students Act 2000, such as failing to meet attendance or progression requirements.

Identifying information: Any information that could be used to find the identity of a complainant

Principles

Informal resolution preferred

Where a complaint is made to an IHM staff member, any such course of action as is available to remedy the cause of the complaint, or to provide a satisfactory explanation to the complainant, will be undertaken by that staff member, provided that doing so is within their delegated authority.

Complaints valued as a contribution to continual improvement

In seeking excellence as an institution, IHM acknowledge the valuable contribution students make by raising complaints and grievances. Where a problem or issue exists, it is only through awareness and acknowledgement that we may begin to address it. Any problem that affects a student adversely is also detrimental to IHM's reputation and to our ability to achieve our goals as a provider of high quality education. Though we seek at every opportunity to identify and pre-empt or address such problems, complaints and grievances are a valuable secondary means by which we receive feedback.

Confidentiality

Those who raise complaints and grievances have the right to do so in confidence. Information about the matters raised may be passed only with the prior consent of the complainant. In cases where it is necessary to escalate the complaint beyond the person who initially addressed it, the complainant will first be informed of this necessity and has the right to decide whether to proceed. Where a complaint is escalated to a committee or board, it will be listed as a confidential item, to be disclosed only to the members of that committee or board and it will be heard and voted upon prior to the admission of observers to the meeting.

Ethical and fair treatment



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Complainants must be treated equally, without discrimination on any basis such as race, gender or sexuality. The complaint or grievance raised will not be resolved in a manner that is consistent, legal and ethical.

Right of appeal

Where a complainant believes that the decision of a staff member or governing body is incorrect or is not sufficient to address their complaint or grievance, they have the right, but not the obligation, to escalate the matter to the next level of authority as outlined in the Escalation Procedure.

Timely resolution

IHM will take all reasonable measures to ensure that complaints are resolved as soon as possible. In the case of more serious complaints, this may include measures such as calling upon members of a board or committee to bring forward the date of their next scheduled meeting or to attend an irregular meeting.

Provision of information to Complainants

Complainants have the right to know what is being done to address their complaint and what progress has been made. Complainants will be notified:

- When a board or committee meets to discuss their complaint;
- When a decision is announced regarding their complaint;
- When any action is taken to resolve their complaint by IHM or its employees.

Complainants are also provided with details of their rights, including their right of appeal and will have access to a copy of this policy.

Natural justice: *no one can be a judge in their own case*

A person directly implicated in a complaint or grievance will not be involved in any decision making process regarding either the validity of the complaint or the action to be taken in response. They may, however, be asked by decision makers to explain or defend their actions or to provide evidence.

Where a committee or board includes one or more representatives of the student body, those students will refrain from voting if they have had any contact or association with the complainant or the respondent. Where a member of a committee or board has a direct association with a respondent or person implicated in the complaint or grievance, they must also refrain from voting.



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Natural justice: *rights to a hearing*

Those involved in making decisions with regard to the resolution of a complaint must, wherever possible, hear statements from both the complainant and any respondent who is being implicated. Employees or governing bodies making decisions about a complaint must take all reasonable steps to inform themselves, provided that doing so will not breach the complainant's right to confidentiality.

Conflict of Interest

If an IHM employee has a conflict of interest, they must inform the person making the complaint that they have a conflict of interest and refer the matter to another IHM employee, passing on all details that have been provided, but refraining from expressing an opinion as to how the matter should be handled.

Dismissal of complaints

Any employee or governing body to whom a complaint is lodged may dismiss the complaint if they deem that:

- a) The complaint is vexatious
- b) The complaint is frivolous
- c) The complaint is trivial
- d) The complaint is false

The reasons for the dismissal of the complaint must be appropriately documented and communicated to the complainant, who has the right to appeal against the dismissal by submitting the complaint to the next level of escalation.

Complainants who make repeated vexatious, false or frivolous complaints may be subject to disciplinary action and such instances will be referred to the student misconduct committee.

Complaint hierarchy

Complaints and appeals will generally follow the sequence outlined in *Figure 1*. Wherever possible, complaints will be resolved by the first two stages of the process in a manner that is satisfactory to both parties. The higher levels of the hierarchy are in place:

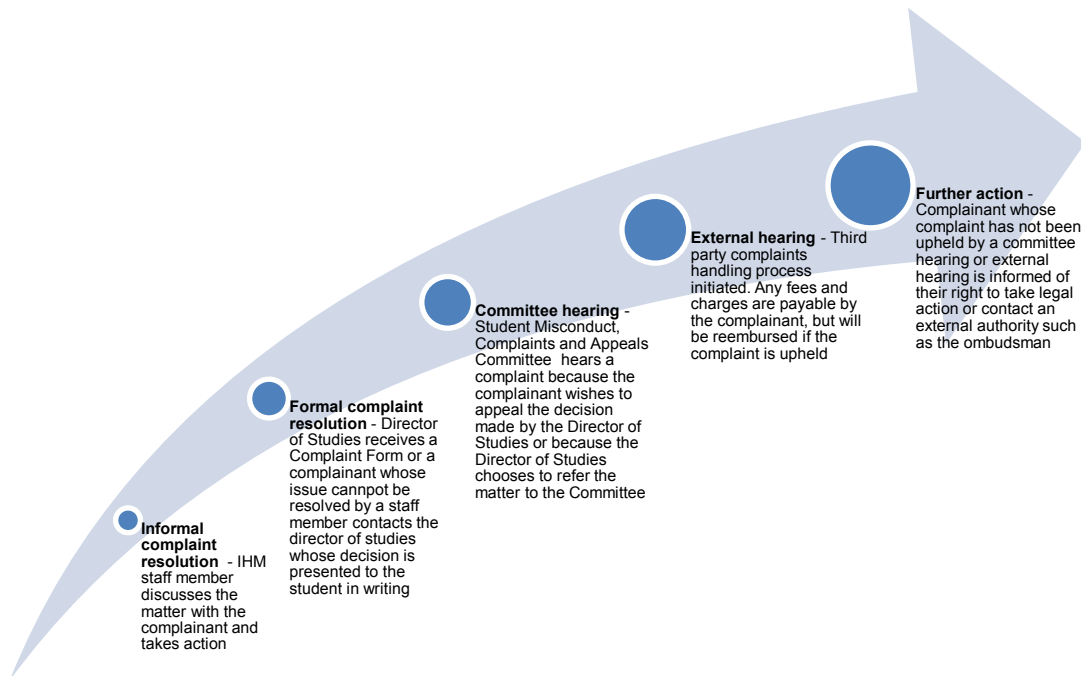
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- a. As a safeguard against erroneous decision making;
- b. To uphold overseas students' right of appeal and;
- c. To provide a more rigorous process in the event of extremely complex or serious complaints

Figure 1: The Complaint Hierarchy



Procedures

Receiving a complaint

Should a complaint or grievance arise, any student, former student or their appointed representative may report it to any IHM employee. The IHM employee who receives the complaint must offer the complainant with a Complaint Form, should they wish to make the complaint formal. Copies of the complaint form will be available from the IHM website, the staff SharePoint site and in electronic form.



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Informal response by an IHM employee

An IHM employee may take direct action to resolve a complaint or grievance provided that:

- The complainant, having been informed of the intended action, agrees with it and deems it to be sufficient to address their complaint;
- The action is appropriate, ethical, legal and does not breach any applicable policies and procedures and;
- The action is within the authority delegated to that employee.

Escalation

If it is not possible to address the complaint or grievance informally, or if the complainant elects to make a formal complaint, the matter will be escalated. Escalation of the complaint may progress through the following stages:

1. The Director of Studies (or CEO, should the Director of Studies have a conflict of interest) receives a complaint form;
2. The Director of studies deliberates on the complaint, seeking further information and investigating as appropriate, but maintaining the confidentiality of the complainant;
3. The Director of Studies (or CEO) issues a notification of the outcome using the Complaint Notification Template;
4. If the complainant appeals the decision or if the Director of Studies or CEO refers the matter to the Student Misconduct, Complaints and Appeals Committee, the Minute Secretary of the committee issues the student with a notification of the date and time when the complaint will be heard and invites them to attend the hearing or provide any further evidence they would like tabled at the meeting;
5. Once a decision has been made by the committee, the Minute Secretary drafts a notification using the Complaint Notification Template, which is signed by both the Chair of the committee and issued to the student;
6. If the student wishes to make a further appeal, they may do so by lodging a further Complaint Form

Timeframes

When a formal complaint is lodged, the decision making process will be initiated within three business days. The Director of Studies may take up to a further five business days to investigate and deliberate upon before issuing a written notification to the complainant either advising of a decision or referring the matter to the Student Misconduct, Complaints and Appeals Committee. If the complaint is to be escalated to a hearing of the Student Misconduct, Complaints and Appeals Committee, it will be heard as soon as a meeting of the Committee can be convened and not



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exceeding twenty business days after the Complaint Form or notification has been received. Regardless of the timeframe, the student's enrolment and their participation in all study activities other than the issue of a testamur or academic transcript continue throughout the complaints handling process.

Appealing a reportable breach

Once a reportable breach has been detected and a notification of that breach issued to an overseas student, that student may lodge an appeal within 20 working days, after which the matter will be reported in accordance with the relevant procedures. If an overseas student is issued with a notification of the outcome of an appeal against a notification that they have failed to meet attendance or progression requirements, they may lodge a further appeal, once again using the Complaint Form, but ticking the box indicating that they are appealing a decision, within 20 business days.

Advocacy

At any stage during the complaint handling or escalation process, the complainant may request advocacy. In such cases, an IHM employee such as the Student Support Advisor will offer to act as the complainant's advocate. The complainant may also arrange for a person of their choice to act as their advocate. The advocate will provide the student with advice regarding the escalation process and will offer to speak on their behalf during any meetings or negotiations including committee hearings. The advocate must be familiar with this policy and other relevant policies of IHM and must have the ability to communicate with the complainant, other employees and members of governing bodies. The advocate will not be expected to speak for the interests of IHM, only for those of the complainant during the process.

Conflict of interest

If an IHM employee has a conflict of interest, such as a relationship to someone involved in a complaint, they must inform the person making the complaint that they have a conflict of interest and refer the matter to another IHM employee, passing on all details that have been provided, but refraining from expressing an opinion as to how the matter should be handled.

Complaint data

Complaint data will be provided to the Quality Assurance and Risk Management Committee including the number of complaints of each type, the way in which they were resolved and the time they took to resolve. They will also be provided with details of any significant complaint that relates to issues of quality and risk. No identifying information about complainants will be included.



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Supplementary Information

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| Related policies/procedures: | Fees, Charges and Refunds Policy Student Assessment policy Communication Policy and Procedure Quality Assurance and Risk Management Policy and Procedure Overseas Student Progression Policy and Procedure Attendance Policy and Procedure for Overseas Students Student Complaints and Appeals Policy and Procedure Staff Complaints and Grievances Policy and Procedure |
| Benchmarking: | Not applicable |
| Supporting research and analysis: | Not applicable |
| Related documents: | Complaint Form Complaint Response Template |
| Related legislation: | Education Services for Overseas Students Act 2000 (ESOS Act 2000) |
| Guidelines: | Not applicable |

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| Name of Document | Overseas Student Complaints and Appeals Policy and Procedure |
| Policy Owner | |



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| Contact | |
| Approval Committee | Board of Governors |
| Endorsement Committee | Student Misconduct, Complaints and Appeals Committee Internationalisation Committee Academic Board |
| Policy Status | New |
| Date of Approval | 23/11/2013 |
| Responsibilities for Implementation | Quality Standards and Compliance Manager |
| Key Stakeholders | CEO Director of Studies Chair of the Academic Board Student Misconduct, Complaints and Appeals Committee |
| Date for Next Review | 23/11/2016 |
| Policies Superseded by this Policy | None |

Table of Amendments

| Version Number | Version Date | Authorised Officer | Amendment Details (short description) |
|-----------------------|---------------------|---------------------------|--|
| 1.0 | 24/10/2013 | | Creation of draft policy |
| 1.1 | 23/11/2013 | | Approval by the Board of Governors |
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