

## Student Complaints and Appeals

### Purpose

- 1.1 The purpose of this procedure is to define the system available to students for dealing with student complaints and appeals

### Responsibility

- 2.1 The Training Manager is responsible for implementation of this procedure and ensuring that staff and students are made aware of its application.

### Requirements

- 3.1 Students who are concerned about the conduct of the training provider are encouraged to attempt to resolve their concerns using this procedure.
- 3.2 The procedure will be implemented at no cost to the student.
- 3.3 The procedure will commence within 5 working days of the formal lodgement of the complaint or appeal and supporting information
- 3.4 All prospective students will be provided with information about the complaints and appeals procedure before making an agreement to enrol.
- 3.5 All complaints and appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution that is fair and equitable to all parties.
- 3.6 Students will be provided with details of external authorities they may approach, if required
- 3.7 At any stage in the internal complaint or appeal process students are entitled to have their own nominee included to accompany and support them.
- 3.8 Students may raise any matters of concern relating to training delivery and assessment, the quality of the teaching, student amenities, discrimination, sexual harassment and other issues that may arise. A complaint may be in relation to another student, RTO staff, RTO management or any matter in relation to studying at MIVS or a third party delivering services on MIVS's behalf. (if relevant). An appeal may be in relation to any decision made by MIVS that impacts the student.
- 3.9 For internal complaints and appeals:
  - The student will have an opportunity to formally present their case, in writing or in person at no cost to the student

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- The student may be accompanied and assisted by a support person at any relevant meetings.
  - At the conclusion of the complaint or appeal the student will be given a written statement of the outcome, including details of the reasons for the outcome and the record of the complaint and outcome will be placed in the student file.
- 3.10 The following matters must be lodged a formal internal appeals within 20 working days of notification of an intention to report the student to DIBP in order to be considered by the Institute.
- Deferral of commencement, suspension or cancelling a student enrolment
  - Non achievement of satisfactory course progress
- 3.11 A student’s enrolment must be maintained whilst a complaint, internal appeal and external appeal is in progress and the outcome has not been determined except in cases where the provider is intending to defer or suspend a student’s enrolment due to misbehaviour or to cancel the student’s enrolment. (see the next requirement)
- 3.12 In cases where the provider is intending to defer or suspend a student’s enrolment due to misbehaviour or to cancel the student’s enrolment the provider only needs to await the outcome of the internal appeals process (supporting the provider) before notifying DOE through PRISMS of the change to the student’s enrolment unless extenuating circumstances relating the a student’s welfare apply.
- 3.13 Extenuating circumstances’ relating to the welfare of the student must be supported by appropriate evidence and may include, but are not limited to the student:
- having medical concerns, severe depression or psychological issues which lead the provider to fear for the student’s wellbeing;
  - having engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others; or
  - being at risk of committing a criminal offence
- 3.14 The Institute will encourage the parties to approach a complaint or appeal with an open view and to attempt to resolve problems through discussion and conciliation. Where a complaint or appeal cannot be resolved through discussion and conciliation, we acknowledge the need for an appropriate external and independent agent to review the process implemented by the Institute.
- 3.15 If there is any matter arising from a student informal complaint, formal complaint or appeal that is a systemic issue which requires improvement action this will be reported in writing (via email to the CEO) to the Institute Management Group meeting so the

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matter can be recorded in the Institute Complaints Register and be used as part of the continuous improvement activities of the Institute.

- 3.16 Nothing in this procedure inhibits student's rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies. Students wishing to take this course of action are advised to:-
- Contact a solicitor; or-
  - Contact the Law Institute of Victoria, 470 Bourke St Melbourne 3000, telephone 9602 5000 for a referral to a solicitor.
- 3.17 This policy is implemented in compliance with the requirements of the Standards of Registered Training Organisations (RTOs) 2015 Standard 6 and the National code of practice 2007 part D standard 8.

## Definitions

- 4.1 N/A

## Method

### Informal Complaint Process

- 5.1 Any student with an issue, question or complaint may raise the matter with staff of the Registered Training Organisation and attempt an informal resolution of the question or complaint.
- 5.2 Students with an issue, question or complaint can arrange a meeting to discuss the matter with one of the following Institute staff members who are responsible to try and resolve the issue, question or complaint with the student:
- Trainer
  - Course coordinator
  - Training Manager
  - Welfare Coordinator
- 5.3 If there is any matter arising from a student informal complaint that is a systemic issue which requires improvement action this will be reported by the staff member, in writing (via email to the CEO) to the Institute Management Group meeting so the matter can be recorded in the Institute Complaints Register and be used as part of the continuous improvement activities of the Institute.

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- 5.4 The staff member will try and resolve the complaint at the meeting or if required investigate the matter and then arrange another meeting with the student to discuss the outcome of investigation and offer a solution if appropriate.
- 5.5 Students who are not satisfied with the outcome of their discussion of the issue, question or complaint are encouraged to register a formal complaint by:
- Obtaining a copy of the Student complaint form which can be found in your student handbook or be requested from the reception desk or the Welfare Coordinator.
  - Completing the Student complaint form
  - Lodging the Student complaint form with the Welfare Coordinator
- 5.6 Students having difficulty completing the Student complaint form should ask a trainer or Course Coordinator to assist them
- 5.7 Once the Student complaint form is lodged with the Welfare Coordinator it will be dealt with as described in the formal complaint process below.

### Formal Complaint Process – preamble

- 5.8 The formal complaint process will commence within 5 working days of the formal lodgement of the complaint or appeal and supporting information
- 5.9 A maximum time of 10 working days from the commencement of the formal complaint process will be allowed for the resolution unless all parties agree in writing to extend this time. This period is called the resolution phase.
- 5.10 Formal complaints must be lodged using the Student complaint form which can be found in the student handbook or be requested from the reception desk, the Welfare Coordinator or the Course Coordinator.
- 5.11 Formal complaints must be recorded in the Institute Complaints Register.

### Formal Complaint Process – general complaints

- 5.12 Students who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint may do so at any time by.
- Obtaining a copy of the Student complaint form which can be found in the student handbook or be requested from the reception desk, the Welfare Coordinator or the Course Coordinator.

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- Completing the Student complaint form
  - Lodging the Student complaint form with the Welfare Coordinator or the Course Coordinator.
- 5.13 Once completed the complaint form is to be lodged with the Welfare Coordinator or the Course Coordinator who will arrange for the complaint to be entered on the Institute complaint register and meet with the student to discuss the complaint with the student. Complainants will be forwarded a letter (by email or post) acknowledging the receipt of their formal complaint and a copy of this policy and procedure within 2 working days of MIVS receiving the informal complaint form.
- 5.14 During the formal complaint process:
- Students will have an opportunity to formally present their case to the Welfare Coordinator or the Course Coordinator, in writing or in person at no cost to the student
  - Students may be accompanied and assisted by a support person at any meetings involving the complaint.
- 5.15 Complaints can only be dealt with by the Welfare Coordinator of the Course Coordinator. Whoever does hear the complaint must not be the subject of the complaint and cannot be involved in subsequent appeal hearing.
- 5.16 The role of the Welfare Coordinator or Course Coordinator is to:
- Assist the student register their formal complaint
  - Ensure the resolution phase commences within 5 working days of the written complaint being lodged
  - Provide the student, or the students representative, with an opportunity to present their complaint
  - Ensure they fully understand the students complaint
  - Work with the student to identify how the complaint can be resolved to the satisfaction of the student
  - Consult and negotiate with the all parties involved with the complaint in order to obtain their commitment and agreement to the proposed solution
  - Formally document the resolution to the complaint including reasons for the method of resolution and provide the student with a written copy of the document
  - Arrange for the proposed resolution to be signed off by the student.

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- Monitor the implementation of the resolution to ensure that all parties adhere to the agreed resolution.
  - Ensure that the details of the complaint are recorded in the Institute Complaints Register and reported (via the Welfare coordinators report) to the Institute monthly Management Group meetings for continuous improvement purposes.
  - Advise the student to take the complaint to appeal if a resolution cannot be agreed upon
- 5.17 Any complaint raised by a student that the Welfare Coordinator or Course Coordinator considers may be a traumatic event, or the threat of such (within or outside Australia), which causes extreme stress, fear or injury must be reported to the Institute CEO, or the most senior person available, and will trigger implementation of the critical incident procedure.

### **Formal Complaint Process – notice of intention to report by the Institute**

- 5.18 The following matters must be lodged as formal complaints within 20 working days of notification of an intention to report the student to DIBP in order to be considered by the Institute.
- Notice from the Institute of an intention to defer commencement, suspend or cancel a student enrolment
  - Notice from the Institute of its intention to report a student for not achieving satisfactory course progress
- 5.19 Complaints arising from a notice of intention to report by the Institute must be lodged with the Institute by:
- Obtaining a copy of the Student complaint form which can be found in the student handbook or be requested from the reception desk, the Welfare Coordinator or the Course Coordinator.
  - Completing the Student complaint form
  - Lodging the Student complaint form with the Welfare Coordinator or the Course Coordinator
- 5.20 It is the responsibility of the Welfare Coordinator or the Course Coordinator to ensure that for complaints arising from a notice of intention to report by the Institute the resolution phase commences within 5 working days of the written complaint being lodged
- 5.21 Complaints arising from a notice of intention to report by the Institute will be heard by a Panel of 3 selected from the Welfare Coordinator, a Course Co-ordinator and a

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member of the teaching staff of the Institute (the Complaints Panel). No member of the panel is to have been involved in making the decision to issue the notice of intention to report.

5.22 During the formal complaint process:

- Students will have an opportunity to formally present their case to the Complaints Panel, in writing or in person at no cost to the student
- Students may be accompanied and assisted by a support person at any meetings involving the complaint.

5.23 The role of the Complaints Panel is to:

- Ensure the resolution phase commences within 5 working days of the written complaint being lodged
- Provide the student, or the students representative, with an opportunity to present their complaint to the Complaints Panel
- Consider the evidence that the Institute holds which lead to the issuing a notice of intention to report
- Consider the evidence presented by the student or the students representative
- Ensure they fully understand the complaint and the matters raised by the student or the students representative
- Review all the evidence and information provided by the student or the students representative and the Institute
- Consider if there are any applicable extenuating circumstances supporting the students case
- Make an **independent** decision, based on the evidence to either support the students case and cancel the notice of intention to report or support the Institute case and proceed with the Intention to report
- Within 24 hours of making its decision the panel must have formally documented the decision of the panel including reasons for the decision and convey the written decision and reasons for the decision to the student
- Advise the student to take the complaint to appeal if they are not satisfied with

## Formal Complaint Process – finalisation

5.24 At the end of the resolution phase the Welfare Coordinator or Course Coordinator will report the Institute decision to the student. The Institute decision and reasons for the decision will be documented by the Welfare Coordinator or the course Coordinator

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and placed in the students file. A copy of this document will be provided to the student.

- 5.25 Following the resolution phase the Institute will implement the decision as conveyed to the student and undertake any improvement actions arising from the complaint
- 5.26 If there is any matter arising from a student formal complaint that is a systemic issue which requires improvement action this will be reported in writing (via email to the CEO) to the Institute Management Group meeting so the matter can be recorded in the Institute Complaints Register and be used as part of the continuous improvement activities of the Institute.
- 5.27 Students who are not satisfied with the outcome of the formal complaint are encouraged to appeal against the Institute decision by:
- Obtaining a copy of the Student appeal form which can be found in the student handbook or be requested from the reception desk, the Welfare Coordinator or the Course Coordinator
  - Completing the Student appeal form
  - Lodging the Student appeal form with the Welfare Coordinator or the Course Coordinator
- 5.28 Once the Student appeal form is lodged with the Welfare Coordinator or the Course Coordinator it will be dealt with as described in the Internal Appeal Process below.

### Internal Appeal Process - preamble

- 5.29 Internal appeals may arise from a number of sources including appeals against assessment, appeals against discipline actions, appeals against notification of an intention to report a student to DIBP and appeals against decisions arising from complaints. The essential nature of an appeal is that it is a request by a student for the Institute to reconsider a decision made by the Institute.
- 5.30 Students who are not satisfied with the outcome of a formal complaint or wish to appeal a decision made by the Institute are encouraged to appeal against the Institute decision by:
- Obtaining a copy of the Student appeal form which can be found in the student handbook or be requested from the reception desk, the Welfare Coordinator or the Course Coordinator
  - Completing the Student appeal form

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- Lodging the Student appeal form with the Welfare Coordinator or the Course Coordinator
- 5.31 A student's enrolment will be maintained whilst an appeal is in progress and the outcome has not been determined.
- 5.32 The appeal resolution phase must commence within 5 working days of the internal appeal being lodged in writing.
- 5.33 A maximum time of 10 working days from the commencement of the appeal resolution phase will be allowed for the appeal resolution unless all parties agree in writing to extend this time.

### Internal Appeal Process - general

- 5.34 Internal appeals (except assessment appeals) will be heard by a 3 person panel selected from the Institute CEO, the Training Manager, the Welfare coordinator, the Course Co-ordinator and a member of the teaching staff of the Institute (the Appeals Panel).

Students will be forwarded a letter (by email or post) acknowledging the receipt of their appeal and a copy of this policy and procedure within 2 working days of MIVS receiving the Complaints and appeals form.

No member of the Appeals Panel is to have been directly involved in the complaint leading up to the appeal.

- 5.35 The role of the Appeal Panel is to:
- Ensure the appeal phase commences within 5 working days of the written appeal being lodged
  - Provide the student, or the students representative, with an opportunity to present their appeal to the Appeal Panel
  - Ensure they fully understand the students appeal
  - Review the evidence and information provided by the student, or the students representative, and the Institute
  - Make an **independent** decision, based on the evidence to either support the students appeal, and reverse the decision by the Institute that lead to the appeal or to support the Institute case and proceed with the original decision by the Institute.

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- Arrange for the decision to be signed off by the student and the CEO (this is not agreement by the student but to record that the decision has been transmitted to the student)
- Within 24 hours of making its decision the Appeal Panel must have formally documented the decision of the panel including reasons for the decision and convey the written decision and reasons for the decision to the student

### Internal Appeal Process – assessment

- 5.36 The student will not incur costs when accessing the internal appeals process unless they seek representation.
- 5.37 If a student feels they have been unfairly assessed or there are circumstances that impacted their performance they may appeal an assessment decision.
- 5.38 Students should approach their assessor in this case outlining the reasons for their appeal.
- 5.39 If the assessor feels there are reasonable grounds for the appeal he/ she may decide to re-assess the student.
- 5.40 The assessor should document this process along with the outcome in the complaints and appeals register. All supporting documentation should also be placed in the students file.
- 5.41 If the assessor decides to refuse the student an opportunity for re-assessment, the student may lodge a formal appeal by submitting a complaints and appeal form. The student must provide reasons for the appeal along with any supporting evidence.
- 5.42 Complaints & Appeals forms are to be submitted to: Training Manager MIVS reception or via e-mail to [TM@MIVS.com.au](mailto:TM@MIVS.com.au).
- 5.43 If the appeal is in relation to the Training Manager’s decision another member of staff will deal with the process.
- 5.44 The staff member reviews all the supporting documentation and discusses the situation with the assessor and student. A decision will be made after all the evidence has been considered.
- 5.45 Students will be forwarded a letter (by email or post) acknowledging the receipt of their appeal and a copy of this policy and procedure within 2 working days of MIVS receiving the Complaints and appeals form. If the Training Manager or other staff member handling the process decides that the students appeal be upheld the following will apply.

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- 5.46 The assessment in question will be marked by a different and the outcome communicated to the student.
- 5.47 The assessor should document this process along with the outcome in the complaints and appeals register. All supporting documentation should also be placed in the students file.
- 5.48 The student will be awarded the grade that gives them the most favourable outcome between the two submissions.
- 5.49 If the students appeal is refused they will be sent written notification of the outcome within two working days of the decision being made. This will also include reasons and details for the decision. The letter will also inform the student of their right to access the external appeals process and how to do so.
- 5.50 Students can only appeal an assessment decision once.
- 5.51 If students are dissatisfied with the outcome of the internal appeals process they may access the external appeals process. Details of this procedure and how to access it are outlined below.
- 5.52 Students may also seek to pursue a legal route if they feel unsatisfied with the outcome. Costs of any legal action incurred by the student are to be covered by the student.

### Internal Appeal Process – finalisation

- 5.53 The outcome of an internal appeal and reasons for the outcome will be recorded in writing and signed and dated by the student and the Institute and placed in the student file. A copy of this document will be provided to the student.
- 5.54 Following the internal appeals phase the Institute will implement the decision as conveyed to the student and undertake any improvement actions arising from the complaint through the Institute continuous improvement process
- 5.55 If there is any matter arising from a student informal complaint, formal complaint or appeal that is a systemic issue which requires improvement action this will be reported in writing (via email to the CEO) to the Institute Management Group meeting so the matter can be recorded in the Institute Complaints Register and be used as part of the continuous improvement activities of the Institute.
- 5.56 There are no further avenues within the Institute for complaints or appeals after the internal appeals process has been completed, however an external appeals process is available

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- 5.57 Students who are not satisfied with the process undertaken for an internal appeal are encouraged to make an external appeal by:
- Obtaining a copy of the Student appeal form which can be found in your student handbook or be requested from the reception desk, the Welfare Coordinator or the Course coordinator
  - Completing the Student appeal form and selecting the External appeal option on the form.
  - Lodging the Student appeal form with or the Welfare Coordinator the Training Manager
- 5.58 Once the Student appeal form is lodged with the Training Manager or the Welfare Coordinator it will be dealt with as described in the External Appeal Process below.

## External appeal process

- 5.59 External appeals may only be lodged if a student thinks MIVS has not followed its Complaints and Appeals policy and procedure.
- 5.60 International students may access the external appeals process through the Overseas Students Ombudsman. The Overseas Students Ombudsman offers a free and independent service for overseas students who wish to appeal a decision after the conclusion of the internal complaints and appeals process. Further information can be obtained from the Overseas Students Ombudsman website [www.oso.gov.au](http://www.oso.gov.au) or phone 1300 362 072 for more information.
- 5.61 Students must lodge external appeals using the Complaints & Appeals form located in the student handbook and Institute website or available from reception Little Collins St campus. Assistance with completing a Complaint and Appeals form is provided by the Welfare Coordinator where required.
- 5.62 Complaints & Appeals forms are to be submitted to: Training Manager via reception at Little Collins St campus or via e-mail to [shiva@mivs.edu.au](mailto:shiva@mivs.edu.au). Complainants will be forwarded a letter (by email or post) acknowledging the receipt of their external appeal and a copy of this policy and procedure within 2 working days of MIVS receiving the informal complaint form.
- 5.63 The Institute will forward all external appeals to the Overseas Students Ombudsman within two working days of lodgement.
- 5.64 The Overseas Students Ombudsman will advise the student that in general, the purpose of the external appeals process is to determine whether MIVS has followed its internal complaints and appeals policy and procedure.

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- 5.65 The Overseas Students Ombudsman will not review the evidence or make a decision in place of those made by MIVS.
- 5.66 Students will not incur costs in accessing the external appeals process.
- 5.67 All documentation must be placed in the students file.
- 5.68 The Overseas Students Ombudsman will provide a written statement of the outcome including reasons and details for the decision to the appellant and MIVS at the completion of the external appeals process.
- 5.69 If the outcome of the external appeals process results in a decision favouring the student, MIVS will immediately implement any corrective action, decision or measures required as indicated in the written response provided by the external appeals body. The student will be advised as to the course of action taken by MIVS as per The Overseas Students Ombudsman's advice.
- 5.70 The student will be contacted within one business day of receiving notification from the Overseas Students Ombudsman of the decision.
- 5.71 The student may access and receive the outcome of only one external appeals process per issue.
- 5.72 There are no further avenues provided by MIVS available to students once the internal and external complaints and appeals process has been accessed. Students have the right to access other legal avenues.

## Revision history

Revision Date	Comment	Revised by
27/11/15	Policy and procedures created	CEO

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