



KEYSTONE COLLEGE
OF BUSINESS & TECHNOLOGY

COMPLAINTS AND APPEALS POLICY PROCEDURE

Complaints and Appeals Policy Procedure

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Complaints and Appeals Policy Procedure

The National Code, Standard 8 requires that Registered Providers' complaints and appeals processes are independent, easily and immediately accessible and inexpensive for the parties involved.

Purpose

The purpose of this policy is to define the system available to students for dealing with complaints and appeals and to ensure all students of Keystone College of Business and Technology (KCBT) are given access to effective and fair complaints resolution and appeals processes at minimal or no cost.

Policy

This policy applies to all current and prospective students

The processes set out hereinafter do not replace or modify procedures or any other responsibilities which may arise under other policies or under statute or any other law. Nothing in these procedures limits the rights of individuals to take action under Australia's Consumer Protection laws. Also, these procedures do not circumscribe an individual's rights to pursue other legal remedies.

KCBT is committed to developing and maintaining an effective, timely, fair and equitable complaints and appeals system about matters or issues relating to students' experiences at KCBT.

To ensure this:

- Complaints or appeals are resolved promptly, objectively with sensitivity and in complete confidentiality.
- A complaints or appeals handling system is in place that is client focused and helps KCBT to prevent these events from recurring and process is used as an opportunity to improve operations.
- That students are fully informed of their rights to lodge a complaint or appeal. Students who raise complaints will have the opportunity to formally present their cases. Under no circumstances will students suffer any discrimination as a result of raising a complaint or appeal.
- Responsibility for investigating and handling complaints are clearly identified as follows;
 - All appeals will be investigated and handled by the Complaints and Appeals Panel.
 - All withdrawal, suspension or deferrals from Course/Unit, will be investigated by student support manager and academic complaints will be investigated by respective coordinators / managers.



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- All campus and facilities related complaints will be investigated and handled by the student support manager.
- All finance related complaints will be investigated by the Administration Manager.
- All formal complaints and appeals should be made on college complaints and appeals form and their outcomes will be recorded in WISENET (Student Management System).
- Student can access KCBT complaints and Appeals process for academic and non-academic matters, but is not limited to:
 - The selection and enrolment process;
 - Learning and teaching facilities,
 - Staff and resources
 - Assessment results / final results and reviews
 - Course progress in a course of study
 - Academic misconduct;
 - Decisions by academic staff members affecting individuals or groups of students;
 - The way someone feels they have been treated, including allegations by staff or students of harassment, bullying or discrimination.
 - Complaints in relation to misconduct by other students;
 - Fees and refund matters

Timeframe

KCBT will deal with all complaints and appeals promptly and systematically within 10 working days of the formal lodgment of the complaint or appeal with supporting documentation. Every formal complaint and appeal will be recorded in writing with details provided of the process undertaken to resolve each case and its outcome. However in some cases, particularly if the matter is complex, the resolution may take longer, but not more than 60 calendar days, in which case students will be advised of an extended timeframe. Students may appeal the outcome of the complaint or grievance process to the Complaints and Appeals Panel.

- 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.
- Students will be provided with details of external authorities they may approach if required.
- At any stage in the internal complaint or appeal process, students are entitled to have their own nominee included to accompany and support them. These nominees exclude legal representatives.



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Procedures

For internal complaints and appeals:

- The student will have an opportunity to formally present his or her case in writing or in person at no cost
- The student may be accompanied and assisted by any support person excluding legal representatives at any relevant meetings.
- At the conclusion of the complaint or appeal, the student will be given a written statement of the outcome, including the reasons for the outcome and the record of the complaint and outcome will be placed in the student file.

When the internal Appeal process is initiated:

- A student's enrolment must be maintained whilst a complaint or appeal is in progress and the outcome has not yet been determined.
- The student may choose to access an external appeals process. KCBT does not have to wait for the outcome of an external appeal before notifying DOHA of a change to the student's enrolment status where the deferment, suspension or cancellation is due to student misbehaviour (more details under extenuating circumstances).
- If the complaint or appeal process results in a decision that supports the student, corrective and preventive measures must be implemented as soon as practicable.
- KCBT will keep proper records of all formal discussions conducted under this policy and procedure and their outcome on student files.
- If the Student Support Manager and all suitable nominees have already been involved in the process, or have a conflict of interest, the CEO will appoint another person to investigate the formal complaint.
- Appeals must be lodged by students within 20 working days of receiving written notification of a college decision or outcome of a complaints process
- All formal complaints must be recorded on the complaints register/folder and a copy of the complaint and outcome filed in student files.

Informal Complaint Process

On many occasions, complaints can be dealt with successfully through an informal process where the complainant and the other party meet and discuss matters openly with each other to come to a satisfactory resolution for all concerned. KCBT encourages any student who has a complaint to try to resolve the matter with the other party in an informal manner before commencing formal complaint procedures. Students are welcome to bring a support person of their choice to a meeting to assist in resolving any issues in an informal manner.



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KCBT staff are aware that issues will arise from time to time and that it is in the interest of all concerned that these matters be dealt with:

- as quickly and easily as possible (these matters seem worse when they continue unaddressed for some time), and;
- in a non-threatening environment that retains a level of mutual respect. All parties should listen to each other with openness to the other person's point of view and with a desire to come to a resolution which is acceptable for all.

KCBT recommends that all students attempt to resolve any complaints through an informal process before accessing the formal complaints process. Students who are not satisfied with the outcome of the complaint are encouraged to register a formal complaint.

Formal Complaint Process

If a student is not satisfied with the outcome of the informal process or nature of complaint is complex (harassment / Bullying) student can access formal complaint process.

To register a formal complaint, a student must submit a written complaint via the Complaints and Appeals Form. The student's complaint should:

- state the reason/s for the complaint
- detail the outcome of the informal resolution process (if any)
- include any specific issues which the student wishes to present and
- Where relevant, attach copies of documentary evidence.
- The Student Support Manager will consider the formal complaint within 10 days of formal lodgment by:
 - Reviewing the student's Complaints and Appeals Form and the outcomes of the informal resolution process (if any)
 - Assuring student of his/her right to complain without fear of being disadvantaged or punished in any way;
 - Asking student whether a translator is required;
 - Allowing student to present his/her case FREE of cost;
 - Seeking additional information from appropriate staff and/or students concerning the complaint
 - Informing student about his/her right to be accompanied and assisted by a support person of their choice at any relevant meetings;
 - Inform student about his/her right to lodge a complaint and appeal for external review, if not satisfied with the outcome

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- Inform student that KCBT will maintain student enrolment throughout the complaints and appeals process, including the external review process with the Overseas Students Ombudsman.
 - Informing student about their right to access the *Overseas Students Ombudsman*
- The Student Support Manager or in the absence of the Student Support Manager, the CEO, will appoint a panel to hear student and make notes of it in the complaint and appeal form and in the Student Database.
- The panel will investigate and liaise with relevant staff (also the Chief Executive Officer if staff conduct is involved) to gather information about student complaints. The panel will prepare a case file for presentation to KCBT Management.
- Once a resolution is reached, the Student Support Manager will prepare a draft letter and submits it to the Chief Executive Officer for approval;
- Once approved, student will be provided with a copy of the resolution, in which the student is invited to acknowledge his/her satisfaction with the outcome or otherwise the student's intention to access KCBT external appeals process.
- If student is satisfied with the outcome, the relevant files will be updated, and the case is closed.
- If student is not satisfied with the outcome, then he/she has the right to access KCBT's external review process with Overseas Students Ombudsman.

Appeal

An appeal is the process of informing KCBT about your dissatisfaction with a decision made by KCBT. The decision may be about academic or non-academic matters.

Appeal Procedure

- An appeal can be lodged verbally with the Academic Coordinator (for academic Matters) and with Student Support Manager (for non-academic matters) or in writing using the Complaints and Appeals form.
- Once the appeal application is received, student will be invited for a meeting.

Appeals relating to an assessment outcome must be lodged within 20 working days of the date the original assessment outcome is given to you.

Where student appeal is successful, the outcomes may vary according to the findings of the appeals process. If the appeal shows that there was an error in recording the outcome of student assessments, KCBT will not report the student.



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- KCBT will proceed with reporting the student, where:
 - The student has chosen not to access the complaints and appeals process within 20 working days.
 - The student withdraws from the process, or
 - The process is completed and results in a decision supporting KCBT (i.e. Student appeal is unsuccessful)

Reporting to Department of Home Affairs

- The National Code 2018 requires that when a student's external appeal is against KCBT decision to report the student for unsatisfactory course progress KCBT must maintain the student's enrolment (ie. not report the student for unsatisfactory progress) until the external complaints process is complete and has supported the provider's decision to report before notifying the Department of Home Affairs – DOHA through PRISMS of the change to the student's enrolment.

KCBT must wait for the outcome of the external process in this case as reporting a student for unsatisfactory progress has serious consequences for the student's visa – although automatic visa cancellation no longer exists, the Department of Home Affairs – DOHA may still cancel a student's visa at their discretion.

- If the student's external appeal is against KCBT's decision to:
 - defer or suspend a student's enrolment due to misbehaviour,
 - to cancel the student's enrolment due to misbehaviour

KCBT only needs to await the outcome of the internal appeals process (supporting the provider) before notifying the Department of Home Affairs through PRISMS of the change to the student's enrolment. Once the Department of Home Affairs 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 Home Affairs (DOHA) a new Confirmation of Enrolment (CoE)
- provide DOHA with evidence that he or she has accessed an external appeals process.

If the internal or any external complaint handling or appeal process results in a decision that supports the student, KCBT will immediately implement any decision and/or corrective and preventative action required and advise the students of the outcome. The final outcome of the external appeals process must be abided by both parties.



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Extenuating circumstances

Suspension or cancellation of a student's enrolment before the internal appeals process is complete if extenuating circumstances relating to the welfare of the student or others.

In cases where KCBT has reason for concern for the welfare of the student or those with whom the student may come into contact, KCBT can cancel the student's enrolment prior to completion of the appeals process. Where extenuating circumstances are considered to exist, the CEO will make the final decision and inform the Student Administration Services (or a suitable alternative) who will then issue any correspondence and report to DOHA.

The 'extenuating circumstances' option covers situations where a student's behavior has led KCBT to fear for the safety and wellbeing of the student and/or people the student may encounter. In this case, KCBT may cancel the student's enrolment without having to wait for the outcome of the internal appeals process. However, the student can still appeal from his or her Australian residence or home country. Once KCBT notifies DOHA of the cancellation of a student's enrolment through PRISMS, the student has 28 days in which to find alternative enrolment or to return to his or her home country. If the student secures enrolment with another provider within the 28 days, the student may commence studies with the new provider. If the student does not secure alternative enrolment or return home within 28 days, the student's visa may be cancelled. *(Please note that cancelling a student's enrolment does not always lead to automatic cancellation of the student's visa. DOHA may contact a student to explain the circumstances relating to the cancellation of the enrolment and may cancel a student's visa subsequent to this happening.)*

Under the National Code 2018, the student has the right to appeal with the cancelling provider (KCBT) if he or she wishes to do so, whether still in Australia or in the home country. KCBT must notify the student of its intention to cancel the student's enrolment prior to notifying the Department of Home Affairs through PRISMS of the cancellation. If KCBT notifies DOHA through PRISMS that it is cancelling a student's enrolment for disciplinary reasons, the student has chosen to access the appeals process but the appeals process has not been completed, PRISMS will ask KCBT if extenuating circumstances apply. If KCBT chooses 'Yes', a dialogue box will pop up containing the following text: *'You are reminded that even though you may report now because extenuating circumstances exist this student must still be given the opportunity to appeal your decision to suspend or cancel the enrolment.'* If KCBT then clicks 'OK', a free text box will appear so providers can enter the details of the extenuating circumstances.

How to make a complaint with the Overseas Students Ombudsman:

Students can contact Ombudsman by telephone, 9am to 5pm Monday to Friday.



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CRICOS Provider Code: 03425F

RTO Code: 41183

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In Australia, call: 1300 362 072 (calls from mobile phones at mobile phone rates). Outside Australia, call +61 2 6276 0111.

The website link is:

<https://www.ombudsman.gov.au/How-we-can-help/overseas-students>

Information booklets from the ombudsman are available at the KCBT Reception Desk.

If the student is not satisfied with the outcome of internal and external complaints and appeals, the student may contact DOHA for further help. It should be noted that DOHA will only look at whether the appeals process met the requirements of the national code and will not make a determination about whether the outcome of a properly conducted appeal process was right or wrong.

Any continuous improvement identified as a part of complaint and appeals process will be recorded in continuous improvement register.