

Appeals and Grievances Policy

PL027

RTO 0526 CRICOS Provider Code: 02011C



PURPOSE

This Appeals and Grievances Policy describes how TAFE Queensland South West fulfils its statutory and ethical obligations towards informing students (existing and prospective) regarding the process for submitting a formal grievance and/or appeal in relation to determinations made by TAFE Queensland South West that the student believes should be re-considered.

BACKGROUND

Students have a range of statutory rights including the having the right to appeal or submit grievances with an expectation that the issue will be dealt with fairly, independently and efficiently. This policy fulfils the requirements for a fair and robust framework for hearing and making determinations under the *Vocational Education and Training Regulator Act 2011 (Cth)* and Standards for NVR Registered Training Organisations as well as the *Education Services for Overseas Students Act 2000 (Cth)* and associated National Code 2007 and the *Higher Education Support Act 2003 (Cth)* and Higher Education Standards Framework 2011 in relation to formal appeals and grievances.

SCOPE

This policy applies to all students and persons seeking to enrol with TAFE Queensland South West both domestic and overseas students on a student visa.

DEFINITIONS

Academic Misconduct	Academic misconduct includes but is not limited to cheating, including supporting others in cheating, plagiarism, electronic plagiarism, unauthorised collusion and falsifying information.
Appeal	Formal written request by a complainant to have a matter heard and/or re-considered after receiving an unfavourable decision.
ASQA	Australian Skills Quality Authority – the National Regulator of Vocational Education and Training
Behavioural Misconduct	Broadly defined as actions that breach TAFE Queensland Student Rules and includes but is not limited to: <ul style="list-style-type: none">• Breaches of Commonwealth or State law which impinge on TAFE Queensland operations.• Behaviour that impairs the reasonable freedom of other persons to pursue their studies and participate• TAFE Queensland activities.• Refusing or failing to identify yourself truthfully.• Any act or failure to act that endangers the safety or health of any other person.• Actions that impair any person's participation in a legitimate region activity or, by act or omission disrupts the peace or good order of the region, vocational placement site, or any organisation associated with the business of the region.• Acting in a way that causes students or staff or other persons within the region to fear for their personal safety.• Acting in a way that causes damage to TAFE Queensland property.• Acting in a way that is detrimental to the conduct of an educational activity.
Compassionate or Compelling Circumstances	Circumstances considered to be beyond the control of the complainant and may include: <ul style="list-style-type: none">• Serious injury (a medical certificate is provided).• Bereavement of close family members (a death certificate may be provided).• Major political upheaval or natural disaster in their home country.• A traumatic experience (ie car accident; witnessing a crime or being involved in a crime etc).
Complainant	A student or person seeking to enrol who makes a complaint to TAFE Queensland South West.

Complaint	A cause of dissatisfaction where the student has an honest belief, based on reasonable grounds, that an educational or administrative decision and/or action, or the behaviour of another student or staff member is unfair and/or unreasonable.
Department	Department of Immigration and Border Protection – the National Department with accountability for the issuance of student visas
External Appeal	Appeal heard by a party external to TAFE Queensland South West and may include the TAFE Queensland Disciplinary and Appeals Committee and/or the Ombudsman.
Grievance	A cause of dissatisfaction where the complainant has an honest belief, based on reasonable grounds, that an academic decision and/or action, an administrative decision and/or action, or the behaviour of another student or staff member is unfair and/or unreasonable.
Internal Appeal	Appeal heard by the Student Appeals and Discipline Committee of TAFE Queensland South West.
International Unit	Undertakes the recruitment and management of overseas students and consists of a Senior International Business Officer and/or International Administration Officer.
National Code 2007	The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007
Ombudsman	The Queensland Ombudsman's Office is an independent complaints investigation agency. The Ombudsman investigates complaints about the actions and decisions of Queensland public agencies and their staff that may be unlawful, unreasonable, unfair, improperly discriminatory or otherwise wrong.
Overseas Student	A person (whether within or outside of Australia) who holds a student visa issued under the Migration Act 1958 (Commonwealth).
PRISMS	Provider Registration and International Student Management System – used to process information given to the Secretary of Department of Industry by registered providers.
Student Appeals and Discipline Committee	A sub-committee of the Academic Oversight Committee within TAFE Queensland South West, that operates under specified Terms of Reference and is assembled to hear and make determinations in relation to formal appeals. The Student Appeals and Discipline Committee comprises the Executive Director Studies, (relevant) Faculty Director/Associate Director, Faculty Director independent of the matter being appealed, optional attendees including independent educational content expert, international business representative (for international students), financial services representative, student experience representative. The student may also nominate up to two (2) independent persons being an: <ul style="list-style-type: none"> • external content expert from the field of study in which the student is enrolled and/or • persons from industry, other division, Department, or educational/training institutions.
TAFE Queensland Disciplinary and Appeals Committee	A sub-committee established by the Academic Board of TAFE Queensland providing to students a higher level of appeal following a decision made by the Student Appeals and Discipline Committee at TAFE Queensland South West.

POLICY

TAFE Queensland South West is committed to fair and equitable decision making processes. An essential element of our decision making process includes providing to students the ability to appeal a decision they feel has been dealt with unfairly. This process followed is described in the TAFE Queensland Student Rules, specifically sections 17 and 18, and it is recommended that this policy is read in conjunction with the TAFE Queensland Student Rules.

This policy is applicable to ALL appeals made by students irrespective of the reason for the initial decision.

Should a student be dissatisfied with the outcome of the Internal Appeals process, they have the right to take their case to an external independent body. The purpose of an external appeal process is to enable the complainant to have an independent body available to handle their individual grievance appeals independently of TAFE Queensland South West and review the fairness of the decisions made. These external bodies include TAFE Queensland, through the Chief Executive Officer, the Queensland Ombudsman and/or ASQA.

General

Complaints/Grievances

Complaints and feedback about TAFE Queensland South West staff, and products and services offered by the TAFE Queensland South West can be made through TAFE Queensland South West's formal complaints and feedback process.

TAFE Queensland South West requests that there is an attempt to informally resolve a dispute or a complaint before a formal process is initiated.

Students may attempt informal resolution by contacting their teacher, Faculty Director, Associate Director or recording a complaint through the TAFE Queensland South West internet site or directly with Customer Service staff. Overseas students may also contact the Senior International Business Officer.

When a complaint is recorded through the internet or via Customer Service (or the Complainant raises their complaint in a letter or email) the complaint will be investigated and managed formally through the Compliance and Assurance Team. The Complainant will be advised of the outcome in writing within seven (7) calendar days of a decision being made. There is no charge for a complaints investigation process.

Academic Review

As identified in the TAFE Queensland Student Rules, students are able to request a re-evaluation of an assessment decision if they are dissatisfied with the initial decision. Such a request should be made initially with the teacher directly or in writing to the Faculty Director or Executive Director Studies within 14 calendar days of being notified of the original result. The assessment will be re-evaluated by a different assessor and the student will be informed of the result of the re-evaluation.

Student Misconduct

If a student has behaved in a manner that is seen to constitute misconduct under the TAFE Queensland Student Rules (this includes both academic misconduct and behavioural misconduct) immediate action will be taken by TAFE Queensland South West (as identified in the TAFE Queensland Student Rules). A result of this process is that the student will receive formal notification of the decision made in relation to the misconduct.

In relation to Overseas Students, a Letter of Intent to Report to the Department may be also issued to the Overseas Student based on the outcome of the investigation.

Internal Appeals

A student has the opportunity to formally present their case at no cost.

A student will not be victimised or discriminated against at any stage of the process outlined in this policy.

A student has the right to be accompanied and assisted by a support person in every relevant meeting they attend.

Where the dispute or complaint is unable to be resolved or the student is dissatisfied with the outcome, the student may initiate an Internal Appeal within prescribed timeframes:

- With the exception of Overseas Students, an Internal Appeal must be submitted within seven (7) calendar days of the date the outcome was communicated;
- An Overseas Student has up to 28 calendar days to lodge an Internal Appeal from the date of receipt of a Letter of Intent to Report to the Department.

All Internal Appeals are submitted by completing the **Internal Appeal Notification (FR009)** and forwarding it to:

By mail:

The General Manager
TAFE Queensland South West
PO Box 80
Toowoomba Qld 4350

In person:

At the Customer Service Centre at any campus
of TAFE Queensland South West

Upon receipt the General Manager TAFE Queensland South West through the Executive Director Studies, will convene the TAFE Queensland South West Student Appeals and Discipline Committee to hear and make a determination in relation to the Internal Appeal.

If an Internal Appeal is not lodged within the specified timeframe, or an extension requested prior to the end of the specified timeframe per the TAFE Queensland Student Rules, the decision will stand.

TAFE Queensland South West will not report an Overseas Student to the Department whilst an Internal Appeal is being heard.

A student's enrolment will be maintained and unless suspended for behavioural misconduct, the student is required to attend all classes during an Internal Appeals process.

In circumstances where an Overseas Student is issued with a Letter of Intent to Report for non-payment of fees and / or suspended, the Overseas Student may be excluded from classes until all overdue fees are paid in full or the internal / external appeals process has been finalised.

The TAFE Queensland South West Student Appeals and Discipline Committee will contact the student and advise if they are required to present their case in person or are required to provide further information for consideration.

Within 28 calendar days of submitting the Internal Appeal Notification, (and within seven (7) calendar days of the appeal hearing) the student will be provided with a written statement of the outcome of the Internal Appeals process, including details of the reasons for the outcome, and any actions to be undertaken.

Records of all Grievances and Appeals will be kept and be accessible to all interested parties for a period of five (5) years. Such records will remain confidential. Parties to the Appeal will be allowed supervised access to these records.

External Appeals

If a student is dissatisfied with the outcome of the Internal Appeals process, they have the right to take their case to an external independent body. All students are able to refer to any of the following external bodies for an External Appeal:

<p>CEO TAFE Queensland Phone: 1300 308 233 PO Box 16100, City East Qld 4002 Email: tafe.queensland@det.qld.gov.au</p>	<p>Queensland Ombudsman Phone: (07) 3005 7000 Toll free (outside Brisbane) 1800 068 908 Fax: (07) 3005 7067 Email: ombudsman@ombudsman.qld.gov.au</p>	<p>ASQA Phone: 1300 701 801 Email: enquiries@asqa.gov.au</p>
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The independent body undertaking the External Appeal will, in the first instance, confirm with the complainant that an Internal Appeal has been completed.

Upon receiving the findings of the relevant body undertaking the External Appeal, the General Manager of TAFE Queensland South West will ensure that any recommendations are implemented within 30 calendar days.

Overseas Students who wish to exercise their right to have their case heard by an external body, must notify the International Unit in writing within seven (7) calendar days of receiving written notification of the outcome of the Internal Appeals process. TAFE Queensland South West will proceed to notify the Department and cancel the Confirmation of Enrolment via PRISMS.

Overseas Students are required to immediately advise TAFE Queensland South West of the outcome of the External Appeals process. If the External Appeal is upheld, TAFE Queensland South West will reinstate the Confirmation of Enrolment.

With respect to Overseas Students, the Department will only intervene where TAFE Queensland South West's Appeals process was not conducted correctly or if TAFE Queensland South West did not make the Appeals process available to the Overseas Student.

COMPLIANCE REFERENCES

- Standards for NVR Registered Training Organisations 2012 – SNR 16.7 – view at <http://www.comlaw.gov.au/Details/F2013L00167>
- Education Services for Overseas Students (ESOS) Act 2000 – view at <http://www.comlaw.gov.au/Series/C2004A00757>
- *Migration Act 1958*- view at <http://www.comlaw.gov.au/Series/C1958A00062>
- *Higher Education Support Act Section 2003 (HESA) Schedule 1A* – view at www.comlaw.gov.au/Details/C2013C00029
- Higher Education Support Act VET Guidelines,-view at www.comlaw.gov.au/Series/F2012L02569
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (The National Code 2007)

POLICY APPROVAL

Owned By:	Academic Oversight Committee	Date: 24/11/2014
Position:	Executive Director - Studies	
Authorised by:	Trevor Schwenke	Date: 12/02/2016
Position	General Manager	