

Complaints and Appeals Policy and Process

1. Aim

The purpose of the policy and process is to ensure that complaints within the institute are dealt fairly and efficiently.

2. Scope

This policy and process applies to all LUE students.

3. Responsibility

The Academic Manager is responsible for implementation of these processes and ensuring that staff and students are made aware of its application.

4. Definitions

Appeal: a student request to overturn or change a previous decision made by the Institute with which the student is dissatisfied.

Complaint or grievance: a serious problem or concern of an academic or non-academic nature raised by a student or prospective student, which is believed by that student, to disadvantage them in the course of their studies at LUE.

Natural Justice: means general procedural fairness in the handling of complaints and appeals that involves all of the following elements:

- The right to attend hearings with a friend or support person, if required
- The opportunity for all parties involved to be heard
- The Respondent having full knowledge of the nature and substance of the grievance
- The Complainant not determining the outcome, but may be a party to it
- The right to fair, independent, unbiased decision-making
- A final decision that is based solely on the relevant evidence.

5. Policy

- a. Students will be provided with information on the Complaints and Appeals Policy prior to enrolment.
- b. The principles of Natural Justice shall apply to student complaints and appeals proceedings.
- c. Students will be provided with details of external appeal authorities they may access, if required.
- d. All complaints and appeals will be handled professionally and confidentially. For internal formal complaints and appeals, the student:

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- will be able to present their case formally, in writing and at no cost to the student.
 - may bring a support person to any complaint or appeal meeting
 - will be notified in writing of the outcome, including reasons for the decision, within 10 working days of the internal complaints and appeals process being completed.
- e. A student's enrolment will be maintained while an internal complaint or appeal is in progress.
- f. All parties will be encouraged to resolve the issue with an open mind and in fairness to all parties concerned.
- g. If a student is dissatisfied with the outcome of an internal appeal, the student will be advised that he or she may access an independent, external agent to review the appeal outcome.
- h. LUE will immediately implement any decision or recommendation in favour of the overseas student through the internal or external appeals process.
- i. Nothing in this policy restricts the student's right to pursue other legal remedies, nor does the availability of dispute resolution processes remove the right of the student to take action under Australia's consumer protection laws.

6. Process

6.1 Informal Complaint Process

- Any student with a complaint is encouraged to first attempt to resolve the issue informally by raising the issue with a student support officer, teacher or other relevant staff member.
- Complaints dealt with in this way do not become part of the formal complaint process and will not be documented, recorded or reported on unless the Institute staff involved determine that the issue in question is relevant to LUE's wider operations.
- Students not satisfied with the outcome of the complaint will be advised to register a formal complaint.

6.2 Formal Complaint Process

Formal Complaint Commencement

- Students not satisfied with the outcome of the informal process can register

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a formal complaint by completing and lodge a Student Complaints and Appeals Form with Student Services.

Resolution Phase

- The resolution phase will commence within 10 working days of the written complaint being lodged with Student Services.
- The Student Services Manager or nominee will determine whether the subject matter falls within the definition of a complaint.
- Where it is determined that the subject matter falls within the definition, LUE will:
 - a. Gather any relevant evidence necessary to conduct a transparent and fair assessment of the complaint
 - b. Select relevant staff to conduct the appeal and complaint meeting. LUE will select staff on the basis that the staff are impartial and not directly involved in the dispute.
 - c. Contact and organise a meeting with the student to resolve the complaint. The student will be advised to bring supporting evidence and also that they may bring a support person.

Conclusion Phase

- On conclusion of the meeting, LUE will assess all evidence provided by both parties and make a final decision.
- The student will be advised, in writing, of the final outcome and reasons for it. A copy of the outcome will be placed on the student's file.
- If a student is unsuccessful in their internal complaint or appeal, LUE will inform the student within 10 working days of concluding the internal complaint or appeal process that the student may appeal externally. LUE will provide the student with the Overseas Student Ombudsman's contact details.

6.3 External Appeals Process

The external appeals process involves an independent mediator. The purpose of the external appeals process is to consider whether LUE has followed its Student Complaints and Appeals Procedure. It is not to make a decision in place of the Institute's decision. For example, if a student appeals against his or her assessment results and goes through the Institute's internal appeals process, the external appeals process (if accessed) would look at the way in which the internal appeal was conducted; it would not make a determination as to what the assessment result

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should be.

- The Ombudsman will consider a students' appeal and make a decision. The students will be provided with a written copy of the outcome.
- There will be no or only minimal costs involved for students.
- Following receipt of the external appeal outcome, the LUE will immediately implement the decision and inform the student.
- Students intending to appeal externally must do so within 5 working days of receiving notification of their unsuccessful internal appeal outcome and inform LUE at the same time.
- If an appeal is against the Institute's decision to defer, suspend or cancel a domestic student's enrolment due to misbehavior, the Institute only needs to await the outcome of the internal appeals process (supporting the provider) before implementing its decision to change the student's enrolment status.
- Please note that these complaints and appeal procedures do not restrict a student's right to pursue other legal remedies through the Australian legal system.

For external appeals, students are advised to contact the Overseas Student Ombudsman:

<http://www.ombudsman.gov.au/making-a-complaint/overseas-students>

Phone: 1300 362 072

7. Reporting students for unsatisfactory attendance or course progress

LUE will only report an overseas student for unsatisfactory course progress or attendance in PRISMS after:

- the internal and external appeals processes have been completed and the student has been unsuccessful in their appeal;
- the student has not accessed the internal complaints and appeals process within the 20 working day period of receiving notification that LUE intends to report them;
- the student has not accessed the external complaints and appeals process; or
- the student withdraws from the internal or external appeals process, by notifying the registered provider in writing.

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The Student Complaint and Appeals Procedures flowchart

