

International Student Appeals* Policy

Policy Information

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| Policy Name: | International Student Appeals* |
| Policy Number: | 617 |
| Current Version: | 05 – 09/06/2010 |
| Next Revision Date: | 09/06/2011 |
| Purpose: | To outline the policy for international student appeals. |
| Scope: | This policy applies to all international students on a Student Visa enrolled in a CRICOS Registered program at Southbank Institute of Technology. |
| Exceptions: | This policy applies to appeals raised by international students enrolled at Southbank Institute with the following exceptions: <ol style="list-style-type: none"> 1. Academic Appeals refer to Southbank Institute of Technology VET or Higher Education Student Rules 2. Misconduct Appeals refer to Southbank Institute of Technology VET or Higher Education Student Rules |
| Policy Owner: | Director, Commercial Strategy |
| Policy Author: | International Policy and Process Officer, International Sales, Nikky Trivunovic |
| Related policies and legislation: | <ul style="list-style-type: none"> ▪ Education Services for Overseas Students (ESOS) Act 2000 http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/0/947647C7A9B9EEA9CA2573080037454D/\$file/EduSerforOverStud2000_WD02.pdf ▪ Migration Act 1958 http://www.austlii.edu.au/au/legis/cth/consol_act/ma1958118/ ▪ National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (The National Code) 2007 Standard 10 Monitoring Course Progress http://aei.dest.gov.au/AEI/ESOS/NationalCodeExplanatoryGuide/PartD/Standard_10.htm ▪ Department of Education Employment and Workplace Relations (DEEWR) - Department of Immigration and Citizenship (DIAC) Course Progress Policy and Procedures for CRICOS Providers of Vocational Education Training http://aei.dest.gov.au/AEI/ESOS/QuickInfo/DIAC_Course_pdf.pdf ▪ National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (The National Code) 2007 Standard 8 Complaints and Appeals http://aei.dest.gov.au/AEI/ESOS/NationalCodeExplanatoryGuide/PartD/Standard_8.htm ▪ AQTF Standard 2.6 Complaints and appeals http://www.training.com.au/documents/aqtf2k7_usr-guide-ess-std_final2.pdf ▪ SBIT Policy No. 618 – International Student Academic Progression Monitoring ▪ SBIT Policy No. 601 - Southbank Institute VET Student Rules http://sbi-web.sbi.admin.tafe/Intranet/Quality/document.asp?Qtype=Qcat&CatID=5 ▪ SBIT Policy No. 602 – Southbank Institute Higher Education Student Rules http://sbi-web.sbi.admin.tafe/Intranet/Quality/document.asp?Qtype=Qcat&CatID=5 |

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| Internal procedures guided by this policy: | <ul style="list-style-type: none"> ▪ SBIT Procedure No. 1203 – Client Feedback (Have Your Say) ▪ SBIT Procedure No. 6009 – Student Complaint ▪ SBIT Procedure No. 6017 – International Student Appeals |
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Revision History

| Revision Date: | Status: (Draft/Final) | Summary of Changes | Prepared/Approved By: | Revision #: |
|----------------|--------------------------|--|--|-------------|
| 11/08/2008 | Final | New Policy | Policy and Process Officer, Product Innovation/ Director Product Innovation | 01 |
| 27/08/2008 | Final | Minor revisions | International Policy and Process Officer | 02 |
| 09/10/2008 | Final | Minor revisions | International Policy and Process Officer | 03 |
| 03/11/2008 | Final | Minor revisions | International Policy and Process Officer | 04 |
| 09/06/2010 | Final | Changed policy author and major revision of the policy structure and content | Policy and Process officer, International Sales/Manager, International Sales | 05 |

Glossary of Terms/Definitions

| Terms | Definitions |
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| Appeal | Request by a student to have a matter heard and/or re-considered after receiving an unfavourable decision. |
| Appeals Committee | A committee formed to hear student appeals. The committee will comprise of a relevant Faculty representative and/or content expert; a representative from International Business; and a Counsellor (optional). |
| Compassionate or Compelling Circumstances | <p>Circumstances considered to be beyond the control of the international student and may include:</p> <p>Serious injury (a medical certificate is provided)</p> <p>Bereavement of close family members (a death certificate may be provided)</p> <p>Major political upheaval or natural disaster in their home country</p> <p>A traumatic experience (ie car accident; witnessing a crime or being involved in a crime etc)</p> |
| 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. |
| Content Expert | Person who is considered to have current and expert knowledge pertaining to the student's program of study. The content expert may be a teacher, from the relevant industry, or may be from another division, department or educational institution. |
| CRICOS | Commonwealth Register for Institutions and Courses for Overseas Students |
| DEEWR | Department of Education Employment and Workplace Relations – previously known as DEST |
| DEST | Department of Education Science and Training – this department is now known as DEEWR. |
| DIAC | Department of Immigration and Citizenship |

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| External Appeal | Appeal heard by a party external to Southbank Institute. |
| HYS | Have Your Say – Procedure for students to provide feedback on the products or services offered by Southbank Institute. |
| Internal Appeal | Appeal heard by staff and/or content experts within Southbank Institute. |
| 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. |
| PRISMS | Provider Registration and International Students Management System The management information system used by DEEWR and DIAC to record international student program enrolment details. |

Distribution

- Director, Product Innovation
- Faculty Directors
- Heads of Schools
- Faculty Registrars
- All Faculty Education Staff
- All Faculty Administration Staff
- All International Sales Staff
- All International Administration Staff
- All Student Administration Staff
- All International Students

Policy

1.0 General Appeals Information

- This policy is applicable to ALL appeals made by International students irrespective of the reason for the initial decision.
- Complaints about institute staff or feedback on products and services offered by SBIT can be made through the Institute's formal feedback process "Have Your Say"
- Academic Appeals refer to SBIT VET or Higher Education Student Rules
- Misconduct Appeals refer to SBIT VET or Higher Education Student Rules
- International students have up to 20 business days to lodge an internal appeal against SBIT's formal notification of the decision to report the student to DEEWR. SBIT will issue the student a formal notification via the Letter of Intention to report.
- Internal appeals for any other decisions related to a student's program of study at SBIT must be lodged within 5 business days of the date the decision was communicated to the student in writing;
- If an internal appeal is not lodged within the specified timeframe, the decision will stand
- SBIT will not report an international student to DEEWR whilst an internal appeal is being heard.
- The appeals process will be finalised within 15 business days of the formal lodgement of the Appeal Application form ([QF713](#)) and relevant supporting documentation.
- A student's enrolment will be maintained, and students are required to attend all classes during an internal appeals process.
- In circumstances where student is issued with a letter of intent to report for non-payment of fees, student may be excluded from the classes until all overdue fees are paid in full.
- The student has the right to be accompanied and assisted by a support person in every relevant meeting they attend.
- The student will be provided with a written statement of the outcome of the internal appeals process within 5 business days of the appeal hearing, including details of the reasons for the outcome, and any actions to be undertaken.
- If the student is not satisfied with the result or conduct of the internal complaint handling and appeals process, the student has the right to access an external appeals process at minimal or no cost
- Students who wish to exercise their right to have their case heard by an external body, must notify International Administration in writing within 5 business days of receiving written notification of the outcome of the internal appeals process. If notification is not received-,we will proceed to notify DEEWR
- Students are required to immediately advise SBIT of the outcome of the external appeals process.
- If a student is not satisfied with the conduct of SBIT against the National Code, they can contact the Queensland CRICOS Office on 07 3225 2442 or email CRICOSreg@deta.qld.gov.au .
- DEEWR will only intervene where SBIT's appeals process was not conducted correctly or if SBIT did not make the appeals process available to the student.

2.0 Appeal Lodgement Timeframes

| | Appeals which do NOT require SBIT to report the student to DEEWR | Appeals which require SBIT to report the student to DEEWR |
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| Appeal Applications must be lodged within: | 5 Business Days Examples include: <ul style="list-style-type: none"> ▪ International transfer between registered providers ▪ Decisions regards refund requests ▪ Other matters related to a student's program of study at SBIT | 20 Business Days Examples include: <ul style="list-style-type: none"> ▪ Unsatisfactory Academic Progression ▪ Unsatisfactory Class Attendance ▪ Non-payment of fees |

3.0 Internal Appeals

International students have the right to appeal decisions which they consider to be unfavourable and/or unreasonable; or where SBIT's intention is to report the student due to the following:

- Unsatisfactory Academic Progression
- Unsatisfactory Class Attendance
- Non-payment of fees
- Other matters related to a student's program of study at SBIT.

Students must outline the decision and reasons for the appeal, including any compassionate or compelling circumstances, and may provide documentary evidence in support of their appeal. Appeals must be received within the timeframe as specified above.

Students must submit their appeal in writing by completing an Appeal Application Form ([QF713](#)) for consideration by the Appeals Committee, consisting of a relevant Faculty representative and/or content expert; a representative from International Administration/ International Sales and a Counsellor (optional).

All documentation lodged must be original documents or certified copies, no photocopies or facsimiles will be accepted. Internal appeal lodgement information is as follows:

By mail:

International Student Appeal
Application
Director Product Innovation
Locked Mail Bag 14
South Brisbane QLD 4101
Australia

In person:

International Student Administration
Officer
Student Services Centre
Southbank Institute of Technology
Level 1, C Block
66 Ernest Street
South Brisbane QLD 4101

By email:

Attention to: Director, Product
Innovation
Subject: International Student
Appeals Application
Email:
hys.sbnk@southbank.edu.au

4.0 Outcome of Internal Appeals

The Appeals Committee will review the appeal application and provide the student with a written statement including details of the reasons for the outcome, and any actions to be undertaken.

In the case of appeals relating to Non-payment of fees or other matters related to a student's program of study at SBIT, SBIT will await the outcome of the internal appeals process only, before reporting the student to DEEWR via PRISMS.

In the case of appeals relating to Academic Progression or Attendance, SBIT must await the outcome of the external appeal process before reporting the student to DEEWR via PRISMS.

A student, who is not satisfied with the result of the internal appeals process, has the right to pursue the external appeal processes as outlined below.

5.0 External Appeals

Should an international student be dissatisfied with the outcome of the internal appeals process, they have the right to take their case to an external independent body.

Students who wish to have their case heard by an EXTERNAL body, must notify International Administration of their External Appeals lodgement detail within 5 business days from the date on the written notification of the outcome of the student's INTERNAL appeal.

If notification is not received International Administration will proceed to notify DEEWR.

The purpose of an external appeal process is to consider whether SBIT has followed the correct policies and procedures in making the appeal decision.

The purpose of an external appeals process is NOT to review the decision previously made by SBIT.

For example, if an international student takes their case to the external body (following the internal appeals process) appealing against SBIT's decision to report for unsatisfactory academic progression, the external appeals process would look at the way in which the internal appeal was conducted. The external

body would not make a determination as to whether the student should be deemed to have unsatisfactory academic progression or not.

International students may refer their appeal to the Queensland Ombudsman's office. There is no cost for lodging appeals. The Ombudsman will investigate the case, make an assessment and advise the student of the outcome. The Ombudsman's Office will also notify SBIT of the outcome of the external appeal.

6.0 Outcome of External Appeals

If the external complaint handling or appeal process results in a decision that supports the student, SBIT will immediately implement any decision and/or corrective and preventative actions required and promptly advise the student of the outcome. SBIT will update the student's file to record the outcome, and any subsequent actions. If the external appeal supports the outcome of SBIT's internal appeal process, immediate action will be taken to report the student to DEEWR via PRISMS.

Further information is available at www.ombudsman.qld.gov.au or by contacting the Queensland Ombudsman's office on:

Tel: 07 3005 7000

Toll Free (outside Brisbane): 1800 068 908

Fax: 07 3005 7067

TTY: 3006 8174

Email: ombudsman@ombudsman.qld.gov.au

Lodging Appeals with the Queensland Ombudsman's Office:

By mail:

GPO Box 3314

Brisbane QLD 4001

In person:

Level 17, 53 Albert Street

Brisbane QLD 4000

The Queensland Ombudsman's office may take several weeks to investigate the student's appeal. Should international students have concerns regarding their student visa during this time, they should seek advice from the Department of Immigration and Citizenship (DIAC).