

# NON-ACADEMIC APPEALS PROCEDURE

<b>Policy Hierarchy Link</b>	Non-Academic Appeals Policy			
<b>Responsible Officer</b>	Dean of Students			
<b>Superseded Documents</b>	Non-Academic Grievance Policy (in part)			
<b>Associated Documents</b>	Admissions Policy Debt Collection Procedure Privacy Policy Refund and Re-Credit Policy for Domestic Students Refund Policy for International Students Sexual Assault and Sexual Harassment Policy Student Academic Misconduct Policy Student Code of Conduct Student Handbook Student Wellbeing Policy			
<b>Review Date</b>	March 2027			
<b>Version</b>	<b>Endorsed By</b>	<b>Approved By</b>	<b>Approval Date</b>	<b>Effective Date</b>
3.0	Faculty Meeting	The Principal	21/02/2022	21/02/2022

## 1. PURPOSE AND SCOPE

This procedure sets out the processes by which a student appeal, about any non-academic decision or implementation of any non-academic regulation of Moore College, will be conducted. This procedure only applies to appeals arising from non-academic matters as set out in the associated policy. The procedure applies to all students enrolled in the accredited courses of Moore College (the College) and to those seeking to enrol in a course of study.

## 2. DEFINITIONS

This section sets out definitions for key terms and acronyms referred to in the Procedure.

Term	Definition
Complainant	A complainant is a student of the College or a prospective student who has lodged a non-academic appeal
International student	An international student is means a person (whether within or outside Australia) who holds a student visa. <sup>1</sup> An international student is also known as an overseas student.
Review Officer	A review officer of a higher education provider is a person, or a person included in a class of persons, whom: (a) the chief executive officer of the provider; or (b) a delegate of the chief executive officer of the provider; has appointed to be a review officer of the provider for the purposes of reviewing decisions made by the provider. <sup>2</sup>

<sup>1</sup> *Education Services for Overseas Students Act 2000 (ESOS)*, §5 Definitions.

<sup>2</sup> *Higher Education Support Act 2003*. Compilation 79, 12 July 2021. Section 19–50.

### **3. GROUNDS FOR AN APPEAL**

A student or prospective student may appeal a non-academic decision that may arise from, but is not limited to any matters such as the following:

- (i) harassment, sexual or otherwise, and/or vilification of a student enrolled in a course of the College by another student or member of the College faculty or administrative staff;
- (ii) being refused enrolment or progression or graduation in a course of the College on the grounds of gender, colour, race or country of origin;
- (iii) the claim that a student enrolled in a course of the College has an unpaid financial obligation to the College;
- (iv) a dispute about entitlement of a student or person to a FEE-HELP loan;
- (v) exclusion from a course of the College or from progression or from graduation in that course; or
- (vi) complaint arising from the use of personal information provided by a student.

### **4. LODGING AN APPEAL**

- (i) In the first instance, a student or prospective student may take a complaint to any of the following:
  - the Registrar
  - the Dean of Students
  - the Academic Dean
- (ii) Mindful of the nature of the complaint it must be dealt with in a reasonable time, and at any rate within 21 days of receipt of the complaint, and where possible handled within the context of the pastoral relationship between the student and the person to whom the complaint is made.
- (iii) Where a complaint is dealt with under the first stage of this procedure (4.ii) the Registrar, the Dean of Students or the Academic Dean must give reasons and a full explanation in writing for decisions and actions taken as part of the procedures if requested by the complainant and/or respondent.
- (iv) If unsatisfied with the response to the complaint, or the time taken to resolve the matter, the student or prospective student may submit an appeal in writing to the Registrar and explicitly seek the involvement of the non-academic appeals committee.

### **5. TIMEFRAMES**

- (i) Students intending to appeal should submit their written application for an appeal within 20 days of receiving a decision about their complaint.
- (i) The written application for appeal should set out:
  - details of the concern or issues
  - steps that have been taken to resolve the issue
  - the outcome the complainant is seeking
  - all relevant documents and attachments

- (ii) The Registrar will acknowledge receipt of the appeal in writing within one week.
- (iii) An appeal is normally considered within 15 working days of receipt of the appeal.
- (iv) The Registrar communicates the decision to the student within 5 working days of the decision being made by the non-academic appeals committee, or Principal where applicable.

## **6. APPEAL LEVELS**

### **6.1 Internal Level of Appeal**

- (ii) The appeal is dealt with firstly by the non-academic appeals committee.
- (iii) Where a member of the committee is a respondent in a complaint, that member's place will be taken by a person of equivalent qualifications to be appointed by the Principal.
- (iv) The complainant must be given the opportunity to appear before the non-academic appeals committee. Any costs incurred by the complainant in attending must be borne by the complainant.
- (v) Parties involved in the appeal have the right to the presence of a support person, provided that person is not a practising solicitor or barrister.
- (vi) The non-academic appeals committee must give reasons and a full explanation in writing for decisions and actions taken as part of the procedures if requested by the complainant and/or respondent.
- (vii) The complainant must be informed in writing that the College has a process by which the decision can be reviewed externally. In the event that the non-academic appeals committee's decision does not resolve the issue, the complainant:
  - if they are an international student, may take the matter to the Overseas Students Ombudsman [www.ombudsman.gov.au](http://www.ombudsman.gov.au).
  - all students may seek an external review by the independent Review Officer appointed by the Governing Board of the College within three months of the initial decision being communicated in writing.
  - in relation to FEE-HELP matters complainants will be informed of their right to apply to the Administrative Appeals Tribunal should they seek a further review of the decision.
- (viii) All complaints and decisions reached by the non-academic appeals committee must be reported annually by the Principal to the Governing Board.

### **6.2 External Levels of Appeal**

- (i) If not satisfied with a decision of the non-academic appeals committee, and only then, those who are not international students on a student visa may request the Principal for the matter to be dealt with through an external dispute resolution process by the Review Officer.
- (ii) The Governing Board of the College has appointed a person independent of the College with dispute resolution experience as the Review Officer of decisions made by the non-academic appeals committee of the College. The Governing Board must

- ensure that the Review Officer does not review a decision the officer was involved in making.
- (iii) Applications for the review of a decision of the non-academic appeals committee must be submitted in writing to the Registrar and explicitly state that a review of a decision of the non-academic appeals committee is sought.
  - (iv) The task of the Review Officer is to review the consistency of the decisions of the non-academic appeals committee with the published Non-academic Appeals Policy of the College.
  - (v) The decision of the non-academic appeals committee meeting(s) at which the decision was originally made and all tabled documents dealing with the grievance must be forwarded to the Review Officer.
  - (vi) The Review Officer must give reasons and a full explanation in writing for decisions and actions taken as part of the procedures if requested by the complainant and/or respondent
  - (vii) If the Review Officer makes recommendations in relation to a grievance he has reviewed, the Review Officer will forward those recommendations to the Registrar within 21 days who will ensure that the recommendations are implemented within one calendar month.
  - (viii) In relation to FEE-HELP the Registrar must acknowledge receipt of an application for a review of a decision and inform the applicant in writing that, if the Review Officer has not advised the applicant of a decision within 45 days of receiving the application for review, then the Review Officer is taken to have confirmed the original decision.
  - (ix) International students may take the matter to the Overseas Students Ombudsman ([www.ombudsman.gov.au](http://www.ombudsman.gov.au)) OR take the same approach as those who are not international students.
  - (x) In relation to FEE-HELP the Review Officer must inform applicants of their right to apply to the Administrative Appeals Tribunal for a further review of the decision; and provide the contact details of the nearest Administrative Appeals Tribunal Registry, and the approximate cost of lodging an appeal with the Tribunal.
  - (xi) Nothing in this procedure, or the associated policy, negates the right of any student (Australian or overseas resident) to take action under Australia's consumer protection laws in the case of financial disputes or right to pursue other legal remedies.
  - (xii) All reviews undertaken by the external Review Officer and their outcomes must be reported annually to the Governing Board of the College.
  - (xiii) Records of all grievances and applications for review of decisions must be kept and be accessible to all interested parties for a period of five years. Such records must remain confidential.

#### 4. ACKNOWLEDGEMENTS

The following documents are acknowledged in the review of this policy.

Federation University. *Complaints Management Procedure*. Policy Code: CG1091. Current Version: 29/07/2021.

#### 5. REVIEW AND HISTORY

Version	Approved By	Approval Date	Effective Date	Sections modified
[1.0]	College Council	05/08/2004	05/08/2004	New policy and procedure
[2.0]	Governing Board	26/07/2011	26/07/2011	Added Overseas Students Ombudsman and contact details.
3.0	Principal	21/02/2022	21/02/2022	1. Reformatted and policy removed to a separate document. 2. Reviewed against revised <i>Threshold Standards 2021</i> .