

Policy Link		Academic Appeals Policy Non-academic Appeals Policy		
Responsible Officer		Dean of Students		
Contact Officer		Registrar		
Superseded Documents		External Dispute Resolution Policy [v.1.0]		
Associated Documents		Academic Appeals Policy Non-academic Appeals Policy		
Review Date		March 2025		
Version	Endorsed By	Approved By	Approval Date	Effective Date
2.0	Academic Board	The Principal	11/03/2022	11/03/2022

1. PURPOSE

The procedure provides for a mandated external appeal mechanism should a student have a grievance, appeal or dispute that is unable to be resolved through the internal courses of action offered by Moore College (the College).

In most cases, the purpose of the External Appeals Procedure is to consider whether Moore College has followed its policies and procedures. The External Appeals Procedure does not provide for making decisions in the place of the College. This Procedure would review how the internal appeals processes were conducted.

This procedure is required under the *Higher Education Standards Framework (Threshold Standards) 2021* Section 2.4.3, *Higher Education Support Act 2003* Section 19-45 and 19-50, and the *National Code of Practice for Providers of Education and Training to International Students 2018 (the National Code 2018)*.

2. SCOPE

This procedure applies to all students in the accredited courses of the College.

3. DEFINITIONS

Term	Definition
International student	An international student is means a person (whether within or outside Australia) who holds a student visa. ¹ An international student is also known as an overseas student.

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

4. PROCEDURE

- 4.1 The external appeals process to be used will be mediation, not arbitration or expert determination.
- 4.2 The mediator must be independent of both Moore College and the student concerned.
- 4.3 International students have recourse to either the Overseas Students Ombudsman <https://www.ombudsman.gov.au/> or this procedure in dealing with a dispute.
- 4.4 Either party may suggest the identity of the mediator, however the person must satisfy the following:
- must be a practising Christian in regular church attendance
 - must have appropriate training and experience in mediation of disputes
 - must be willing to apply Christian principles to the manner in which the mediation is conducted
- 4.5 Those principles are identified as follows:
- the aim of the mediation is twofold: both to help the parties work together to resolve the dispute, bearing in mind what is just in the circumstances and to repair any relational breakdown to the extent that this is possible
 - the parties will treat each other with courtesy, honesty and integrity, and be willing to own what is theirs to own in contributing to the dispute
 - each party will be open to truly seek to see the other party's point of view
 - each party will be willing to ask for and offer forgiveness to the other for things done, if this is appropriate.
- 4.6 The mediator must confirm to the parties that the mediator satisfies the requirements of paragraphs 2 and 3 before the mediation begins. It is desirable for the parties also to confirm to the mediator that they agree with and will abide by Christian principles (including those listed above) in seeking to resolve the dispute.
- 4.7 If the parties cannot agree on the identity of the mediator within 2 weeks of the student requesting external mediation, the mediator will be as selected by the Chairman of the Lawyers Christian Fellowship (New South Wales), or as selected by the Chairman's nominee. Once selected, the mediator will be asked to conduct the mediation as soon as reasonably possible and, in the case of international students, having regard to the duration of the student's stay in Australia on a student visa.
- 4.8 The rules of the mediation will be determined by the mediator.
- 4.9 The costs of the mediation (including any room hire charges, if the parties are not willing to use Moore College premises) will be shared equally between Moore College and the student, unless otherwise agreed.
- 4.10 The hourly rate charged by the mediator must not exceed \$120, or such other amount as the Principal determines from time to time.
- 4.11 Each party to the mediation will be entitled to have up to a maximum of 2 persons present – that is, Moore College will have a total of 2 representatives and the student will have themselves plus one nominee. Further representatives may only attend with the consent of the mediator.

5. REVIEW AND HISTORY

Version	Approved By	Approval Date	Effective Date	Sections modified
[1.0]	College Council	15/02/2002	15/02/2002	New document
[1.1]	Governing Board	21/07/2011	21/07/2011	Updated to include the Overseas Students Ombudsman
2.0	The Principal	11/03/2022	11/03/2022	Reformatted. Reviewed against current legislation.