

## STUDENT HANDBOOK

### Part B – International Students

### Section 8 – Complaints, Grievances and Appeals

*In addition to the information in Part A of this Student Handbook the following applies to International Students.*

ALG ensure that international students have a fair, inexpensive complaints and appeals process that includes access to an independent external body if necessary.

ALG aim to ensure prompt decisions in these cases as it may impact the status of the student's visa.

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#### Internal Appeals Procedure – Against a Decision to Report to the Australian immigration department

Students may appeal a decision to report the student to the Australian immigration department via PRISMS for:

- Non-attendance
- Non-payment of tuition fees
- Not meeting course progress requirements
- Student misbehaviour

If a student disagrees with a decision made by ALG to report a student, the student has 20 working days to access the appeals procedure and state their appeal.

ALG must maintain the student's enrolment while the internal complaints and appeals process are ongoing. This does not necessarily mean that a student must remain in class.

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#### External Appeal

If the student feels that the internal appeal is not adequately resolved, they will be provided with an opportunity to formally present their case to a panel of suitable ALG staff or a third party mediator or the overseas student ombudsman.

#### Students to Notify ALG

The external appeals process needs to be initiated by the student within 10 working days of receiving the outcome of the internal appeals process.

The student is responsible to advise ALG in writing they have accessed an external appeals process, at which point ALG will for in some case ALG must maintain the enrolment throughout an external appeals process depends on the type of appeal

#### Decision to Appoint an External Party

Whereby a situation requires external counselling or mediation or judgement, then the student and ALG must both agree in writing on who this third party mediator will be, which will ensure fairness and independence. This third party will make the final judgement that will be binding to both ALG and student.

## Decision to Take Appeal to Overseas Students Ombudsman

If you wish to lodge an external appeal or complain about a decision, you can contact the Overseas Students Ombudsman. The Overseas Students Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider. See the Overseas Students Ombudsman website [www.oso.gov.au](http://www.oso.gov.au) or phone 1300 362 072 for more information.

## Other Services

Whilst the Overseas Student Ombudsmen is first preference there may be situation where more suitable mediators are required. Some examples of other suitable counsellors or mediators ALG can provide to students include:

- Department Fair Trade – for issues involving monies, service or product agreements.
- Industry Associations e.g. ATMS – for judgement on course content and learning outcomes.

In the case where there may be direct costs associated to the third party mediator e.g. an external counsellor may charge an hourly fee rate to mediate, then the costs of this mediation process will be shared equally by both ALG and the student. Any expected costs of third party mediation and the agreement to share these costs will also be outlined and agreed upon in writing.

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## **Maintaining Enrolment During Appeals**

### Internal Appeals

ALG must maintain the student's enrolment throughout the internal appeals process for all types of complaints or appeals.

To 'maintain the student's enrolment' means the provider does not notify the Department of Education of any change to the student's enrolment status through the Provider Registration and International Student Management System (PRISMS).

### External Appeals

Whether ALG must maintain the enrolment throughout an external appeals process depends on the type of appeal.

If the appeal is against the provider's decision to report the student for:

- 1) Unsatisfactory course progress
- 2) Unsatisfactory attendance

ALG must maintain the student's enrolment (i.e. not report the student for unsatisfactory progress or attendance) until the external complaints process is complete and has supported the provider's decision to report.

The student will be responsible for notifying ALG in writing, within 10 days, that they have in fact auctioned an external appeal so ALG is aware of this and will maintain their enrolment.

If the appeal is against the provider's decision to:

- defer or suspend a student's enrolment due to misbehaviour
- cancel the student's enrolment

ALG only needs to await the outcome of the *internal* appeals process (supporting the provider) before notifying the Australian immigration department through PRISMS of the change to the student's enrolment.

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### Mediation for West Australian Based Students

Perth based students should also note there is additional mediation and conciliation services provided through the Western Australian Department of Education Services. This service is called the International Student Conciliator. Either party may consult the independent Conciliator at any stage during a dispute as part of a provider's internal complaints and appeals process. The Conciliator will not become actively involved in the matter until the parties have made an initial attempt to resolve the dispute between themselves. *NOTE:* This service cannot be nominated. The external body or person referred to in Third Party mediation is the International Student Conciliator mentioned above.

The Conciliator will deal with issues relating to:

- institutions' services and facilities
- content and standard of Education Services
- amount of refunds paid to students
- quality of instruction
- academic progress of students
- the conduct of international students
- welfare services
- information concerning part-time employment opportunities
- accommodation provided by or advertised by an institution
- suspension and expulsion of overseas students
- any other matters deemed appropriate by the Conciliator

The processes and practices used by the Conciliator include:

- hearing grievances from international students and from institutions with international students
- mediating and conciliating the resolution of grievances
- chairing informal groups representing particular sectors of the industry where grievances are of a nature that they require particular expertise and knowledge
- advising students and institutions of further legal channels available to them
- liaising with institutions on matters concerning the provision of pastoral care and counseling for international students offered by the institutions
- liaising with institutions on the procedures for resolving grievances offered by the institutions
- liaising with relevant welfare agencies and other relevant bodies on matters which concern or may concern international students

- maintaining a public relations function with institutions and agencies on matters which concern or may concern international students

The role of this Conciliator is to assist the parties to resolve the dispute themselves through mediation and conciliation, as part of a provider’s internal complaints and appeals process.

### ALG Complaints and Appeals FLOWCHART

