

## COMPLAINTS AND APPEALS POLICY AND PROCEDURE – INTERNATIONAL STUDENTS

### PURPOSE:

Equinim College welcomes feedback from students and staff at all times. We have an organisational make-up that is focused on the quality of everything we do and provide. If you at any time have any feedback you would like to give us, we would love to hear from you. Comments and feedback can be provided to us by email at [team@equinimcollege.com](mailto:team@equinimcollege.com) or by phone at 1800 338 883. If you would like your comments or feedback to be kept confidential, please let us know and we will fully respect this.

This policy and procedure sets out the manner in which Equinim College deals with complaints and appeals. If you have any questions about anything in this policy or procedure, or your studies with us, please do not hesitate to contact us.

You can use this complaints and appeals policy and procedure in relation to absolutely anything about your studies with Equinim College, whether that be about Equinim College as a Registered Training Organisation (RTO), our Trainers, Assessors or other staff, any third party providing services on our behalf or its Trainers, Assessors or other staff, or any other student of the RTO.

### POLICY

#### 1. Who does this policy and procedure apply to?

This policy applies to all current and prospective international students and staff of Equinim College and third party staff providing services on the College's behalf.

#### 2. Equinim College's approach to complaints and appeals

The following applies:

- a) **(Approach to complaints and concerns)** Equinim College uses a systematic approach to dealing with complaints and appeals. All complaints, concerns and appeals are dealt with fairly, honestly and without bias in a professional, fair and transparent manner.
- b) **(Availability of policy)** The policy and procedure for handling complaints and appeals is made available to all students and prospective students prior to and at enrolment, via the Equinim College website, [www.equinimcollege.com](http://www.equinimcollege.com).
- c) **(Guarantee)** Equinim College guarantees that any student who lodges a complaint or appeal will not have their enrolment cancelled, suspended or deferred whilst their complaint or appeal is being processed.
- d) **(Internal college procedure)** All complaints and appeals are to be dealt with according to this policy and procedure.
- e) **(No fee)** There is no fee for lodgement, or processing, of a complaint or appeal with Equinim College.
- f) **(Attempt to resolve)** All reasonable effort will be made by Equinim College to resolve any student's complaint.
- g) **(Open view and attempt to resolve)** Equinim College will encourage the parties to any dispute or complaint to approach the matter with an open view and to attempt to resolve problems through discussion and conciliation, in fitting with Equinim College's purpose.
- h) **(Scope)** Equinim College will respond to any complaint or appeal an international student makes regarding their dealings with Equinim College, the Equinim College's education agents or any related party the registered provider has an arrangement with to deliver the international student's course or related services.

### 3. Natural justice and procedural fairness

The following applies:

- a) **(Fair process)** Equinim College ensures that all international students have access to a fair and equitable process for dealing with complaints and will provide an avenue for international students to appeal against decisions which affect the student's progress. Equinim College satisfies these obligations through following the steps set out in this policy and procedure.
- b) **(Opportunity to be heard)** The Equinim College decision maker will give a person whose interests may be adversely affected by the decision, an opportunity to be heard.
- c) **(No bias)** The decision maker shall uphold their duties free of bias or discrimination.
- d) **(Balance of probabilities)** The decision that is eventually made must be based on logical evidence proven on the balance of probabilities, i.e. the alleged behaviour is more likely to have occurred than not.
- e) **(Factors considered)** The decision maker shall take into account relevant considerations, not take into account irrelevant considerations, act for a proper purpose, and not be unreasonable in the sense that no reasonable decision maker could have reached such a decision.

### 4. Raising concerns

The following applies:

- a) **(Course participants may raise any concerns)** Course participants may raise any matters of concern relating to training delivery and assessment, the quality of the learning, course participants' amenities, discrimination, sexual harassment and any other issues that may arise in connection with their study with Equinim College.
- b) **(Avenues for addressing complaints or appeals)** All complaints and appeals shall be dealt with in accordance with this policy and procedure which outlines fair and comprehensive internal steps that are taken, in full respect of any matter raised by a person to whom this policy and procedure relates. Any complaint raised is to be dealt with in the order of steps as outlined in this document. Students at any time may contact their Trainer/Assessor or the Equinim College Student Services Team if they have any queries or wish to discuss any aspect of a complaint or appeal they may have, any feedback in general, or this policy or procedure.
- c) **(Sensitive matters)** If the student believes that they have a complaint which is of a level that is highly sensitive and does not wish to discuss it with their Trainer/Assessor or submit a complaint form to the Student Services Team, they are welcome to submit a complaint form marked confidential and submitted to the attention of Executive Management. Executive Management will consider the complaint in the same manner as outlined in this process.

### 5. Lodging a complaint

Complaints are the expression of dissatisfaction with the quality or any aspect of the business operations and service, including nuisances, discrimination or similar against another person, inclusive of students, staff and contractors. You may lodge a complaint in relation to such matters as:

- a) Enrolment;
- b) Training delivery and or assessment, national recognition, recognition of prior learning, or any other aspect of learning or assessment;
- c) Any other activities associated with the delivery of training and assessment services;
- d) Provider initiated course cancellation;
- e) Any other student, or your Trainer/Assessor or any member of staff;
- f) Course participants' amenities;
- g) Any issues such as discrimination, sexual harassment, student amenities or any other conduct, facility or resource of the College or its staff; and

- h) Any other matter relating to your study with Equinim College.

## 6. Assessment related matters

The Executive Manager will ensure as far as reasonably possible that all students are satisfied with the fairness and accuracy of assessment processes. If a student has been advised that they are 'Not Yet Competent' in a unit, or if they receive a 'not satisfactory' result in relation to an assessment activity, but they believe that:

- a) they genuinely do have the required degree of competency; and
  - b) they have provided reasonable proof of this to Equinim College,
- the student may query or appeal the result.

## 7. Assessment appeal

An appeal is the expression of dissatisfaction with an assessment result or with any other decision of Equinim College. This may occur if an international student is not satisfied with a decision pertaining to an assessment, such as the award of a 'Not Yet Competent' result or 'not satisfactory' assessment. There are various grounds on which you may lodge an assessment appeal, including, but not limited to:

- a) not being fully informed of the assessment process;
- b) your needs not having been taken into consideration;
- c) the assessment process being different to that outlined by your Trainer or Assessor;
- d) the assessment process not being based on the training package or course requirements;
- e) an inappropriate method being used to assess the unit;
- f) an alleged bias of the Trainer/Assessor;
- g) alleged incompetence of the Trainer/Assessor; and
- h) faulty or inappropriate equipment or facilities.

## PROCEDURE

### 8. Overall procedure

The following shall apply in relation to complaints and appeals:

- a) **(Provision of documentation to students)** A copy of the *Complaints and Appeals Policy and Procedure* will be made available to all prospective course participants via the Equinim College website, alongside the Complaints and Appeals Guidance Note which details the Complaints and Appeals Policy and Procedure in plain English.
- b) **(Professional manner)** All complaints, or appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution;
- c) **(Understanding of steps)** All parties must have a clear understanding of the steps involved in the complaints and appeals procedure. Equinim College will satisfy this requirement by readily enabling access to the *Complaints and Appeals Policy and Procedure*, and the *Complaints and Appeals Guidance Note* to all international students via its website;
- d) **(Student's case)** Each international student will be provided with the opportunity to present his or her case at relevant stages of the process, as outlined in this policy and procedure;
- e) **(Complaint about a student/Trainer)** In the event that the complaint is about another student and/or Trainer/Assessor, there may be requirements to separate both parties until the issue is reviewed and resolved, which Equinim College will determine at its discretion in the interests of all parties and others for instance in the class;
- f) **(External authorities)** In some cases, there may need to be contact with external parties such as police or other authorities. The CEO will decide the seriousness of the issue and required reporting, if any.

- g) **(Decency and respect)** Equinim College will always act with absolute care, decency and respect, taking into account the interests of all international students, the public's interaction with students during their course (if any), the public who will receive services from students once graduated, and Equinim College and its staff;
- h) **(Fair and equitable)** All complaints and appeals will be dealt with fairly, equitably and as efficiently as possible;
- i) **(Support person)** The international student has the choice to bring one support person to any meeting on the complaint/appeal. Meetings may be held in person, by phone or by technology;
- j) **(Timely manner)** Equinim College will begin assessing the complaint or appeal within at least 10 working days of the international student lodging it, and finalise the outcome as soon as practicable;
- k) **(60 days)** If Equinim College considers that it will take longer than 60 days to process and finalise the complaint/appeal, we will formally advise the complainant/appellant in writing and include reasons why more than 60 days are required, and provide regular updates on the matter;
- l) **(Decision maker)** The decision maker will be independent of the decision being reviewed;
- m) **(In writing)** All complaints, appeals and outcomes must be documented in writing and the appellant or complainant provided with a written statement of the outcomes, including reasons for the decision;
- n) **(Minimal Cost)** Where the international student is not successful in the internal complaints and appeals process after having exhausted that internal process completely, Equinim College will inform the international student of their right to access an external complaints handling and appeals process at minimal or no cost to the student, in accordance with this documented policy and procedure. Equinim College will have satisfied this requirement by publication of its Complaints and Appeals Policy and Procedure on its website.
- o) **(ASQA)** Equinim College will use its best endeavours to resolve any complaint referred to it by the National VET Regulator, ASQA within the timeframe prescribed by ASQA;
- p) **(Vexatious complaints)** Vexatious, or multiple unfounded complaints may be referred by the Manager Operations to the Academic Board as a potential breach of the Student Code of Conduct. The complaints and appeals policy and procedure shall be followed;
- q) **(Formal complaint)** To trigger a complaint under this policy and procedure, a formal complaint must be recorded on the relevant Equinim College complaints form, in accordance with the complaints procedure, below, and submitted to Equinim College.
- r) **(Record of complaint)** In all cases, in the event that a complaint has been made, on the requisite form the Student Services Team must record the complaint and the resolution in the student's file and on the Complaints and Appeals Register, even if the situation has been resolved to the satisfaction of all parties.

## 9. Complaint procedure

In order to lodge a complaint, you must follow the procedure below.

- a) **(Discuss with Trainer)** You may first wish to discuss the matter with your course Trainer or Assessor. However, if you prefer, you may omit this step and proceed directly to the step outlined in paragraph b), below.
- b) **(Submission to Student Services Team)** If you are not satisfied after such discussion, or if you prefer not to discuss the matter with your Trainer/Assessor, you may complete a Complaints and Appeals Form and forward this to the Student Services Team. If you have discussed the matter with your Trainer/Assessor, the form must be lodged within 5 working days of the discussion in paragraph (a). In completing and lodging the form, you must provide sufficient details about yourself,

the course, and the circumstances surrounding the concern or complaint, including who was involved, any appropriate evidence and witnesses. The Student Services Team will respond in writing within 5 working days advising that your complaint has been forwarded to the Manager Operations.

- c) **(Manager Operations)** The Manager Operations may request further information from you. Within 10 working days after receipt of all relevant and/or requested information, the Manager Operations will send a written statement of the outcome to you, including reasons for the decision.
- d) **(Escalation to Academic Board)** If you are not satisfied with the Manager Operations' decision, you may request that the matter be referred to the Academic Board, by advice in writing to the Manager Operations within 5 working days. The Academic Board may request further information from you. After receipt of all relevant information, the Academic Board will provide a written statement of the outcome to you, including reasons for the decision, within 15 working days.
- e) **(Referral to mediator)** If a complaint, concern or appeal cannot be resolved through discussion and conciliation internally, after having exhausted all steps above, you may request to have recourse to an external mediator relevant to the area of your complaint. Equinim College will contract an external person to mediate, as and when required. If held face to face, the mediation will take place in NSW, Australia, by a mediator appointed by Equinim College. Equinim College will pay for one mediation session of up to 2 hours. Any further mediation required will be at the cost of the complainant. The mediator will encourage the parties to approach a complaint with an open view and to attempt to resolve problems through discussion and conciliation. Meetings may be held in person, by phone or by technology. If in person, all medication shall be located in NSW, Australia. You may bring one support person to any meeting in relation to your complaint or appeal.
- f) **(Confidential and highly sensitive)** If you have a complaint that is highly sensitive and do not wish to discuss it with your Trainer/Assessor or submit a complaint form to the Student Services Team, you are welcome to submit a complaint form marked confidential to the Executive Manager. The Executive Manager will consider the complaint in the same manner as outlined in this process.
- g) **(Decision)** The Executive Manager will process your complaint, and may request further information from you. After all required information is received, the Executive Manager will make a decision and provide a written statement of the outcome to you, including reasons for the decision, within 10 working days. If you are not satisfied with the Executive Manager's decision, you may write to the Executive Manager within 5 working days and request for the complaint to be referred to the CEO. The CEO will consider the complaint within the timeframe attributed to the Academic Board in the procedure in paragraph d), above. If you are unsatisfied with the CEO's decision, you may request mediation in accordance with paragraph e), above.
- h) **(ASQA)** If you are still dissatisfied with the outcome after Equinim College has engaged an external mediator, after you have exhausted the College's internal complaints procedures, you may under the below listed circumstances lodge a complaint with the Australian Skills Quality Authority if the following is alleged:
  - a. an organisation is marketing the delivery and/or issuance of nationally recognised training outcomes where the organisation is either not a registered training organisation (RTO), or is an ASQA registered RTO but is not registered to deliver the specified training outcome; or
  - b. an ASQA registered RTO is delivering or has delivered, training, assessment, support and/or administrative services in breach of legislation, the Standards for NVR registered training organisations 2015 and/or the requirements of a Training Package or accredited course.
- i) **(Overseas Student Ombudsmen)** If you are still dissatisfied with the outcome after Equinim College has engaged an external mediator, after the student has exhausted the College's internal complaints procedures in accordance with this policy and



procedure, you may under the below listed circumstances lodge a complaint with the Overseas Student Ombudsmen:

- a. refusing admission to a course;
- b. fees and refunds;
- c. course or provider transfers;
- d. course progress or attendance;
- e. cancellation of enrolment;
- f. accommodation or work arranged by your provider; or
- g. incorrect advice given by an education agent.

## 10. Appeal procedure

In order to lodge an assessment appeal, you must follow the procedure outlined below:

- a) **(Discuss with Trainer/Assessor)** You may first wish to discuss the matter with the course Trainer/Assessor. However, if you prefer, you may omit this step and proceed directly to the step outlined in paragraph b), below.
- b) **(Student Services Manager)** If not satisfied with the outcome of your discussion with the Trainer/Assessor, or if you choose not to discuss the matter with your Trainer/Assessor, you may complete a Complaints and Appeals Form and forward it to the Student Services Team. The form must be lodged within 5 working days of the assessment outcome being advised or the relevant other decision having been made. In completing and lodging the form, you must provide sufficient details about yourself, the course, and the circumstances surrounding the appeal, giving formal reasons. For assessment appeals, you must also attach a copy of the original Assessment Task.
- c) **(Review)** The process is as follows:
  - a. For assessment appeals:
    - i. **(Review)** The Assessment Task will be reviewed by another Trainer/Assessor and you will be advised of the outcome within 10 working days.
    - ii. **(Executive Manager Education)** If you are not satisfied with the review of the Assessment Task, you must advise the Student Services Manager within 5 working days, who will record receipt of the Complaints and Appeals Form, and refer it to the Executive Manager Education, who will then review it. The Executive Manager Education may request further information from you. The Executive Manager Education will make a decision within 10 working days of receiving all requested information.
    - iii. **(Academic Review Panel)** If you are not satisfied with the Executive Manager Education's decision, you may request that it be reviewed by an Academic Review Panel. The Academic Review Panel may request further information from you. The Academic Review Panel will provide a written statement of the outcome of its review to you, including reasons for the decision, within 15 working days of receiving all requested information.
  - b. For appeals of decisions made on non-assessment matters:
    - i. **(Review)** The decision made by Equinim College will be reviewed by the Manager Operations and you will be advised of the outcome within 10 working days.
    - ii. **(Executive Manager Education)** If you are not satisfied with the review of the decision under paragraph b(i), you must advise the Student Services Manager within 5 working days, in which case, the Student Services Manager will send you an acknowledgement letter, record receipt of the Complaints and Appeals Form, and forward it to the Executive Manager Education for review. The Executive Manager Education may request further information from you. The Executive

Manager Education will make a decision within 10 working days of receiving all requested information.

- iii. **(Academic Review Panel)** If you are dissatisfied with the Executive Manager Education's decision, you may request it be escalated to an Academic Review Panel. The Academic Review Panel may request further information from you. The Academic Review Panel will provide a written statement of the outcome of its review to you, including reasons for the decision, within 15 working days of receiving all requested information.
- j) **(Referral to mediator)** If you are still dissatisfied with the outcome, you may request to have recourse to an external mediator relevant to the area of your appeal. Equinim College will contract an external person to mediate, as and when required. Equinim College will pay for one mediation session of up to 2 hours. Any further mediation required will be at the cost of the appellant. The mediator will encourage the parties to approach an appeal with an open view and to attempt to resolve problems through discussion and conciliation. Meetings may be held in person, by phone or by technology. If in person, all mediation shall be located in NSW, Australia. You may bring one support person to any meeting in relation to your complaint or appeal.
- d) **(ASQA)** If the student is still dissatisfied with the outcome after Equinim College has engaged an external mediator, after the student has exhausted the College's internal complaints procedures, they may under the below listed circumstances lodge a complaint with the Australian Skills Quality Authority if the following is alleged:
  - a. an organisation is marketing the delivery and/or issuance of nationally recognised training outcomes where the organisation is either not a registered training organisation (RTO), or is an ASQA registered RTO but is not registered to deliver the specified training outcome; or
  - b. an ASQA registered RTO is delivering or has delivered, training, assessment, support and/or administrative services in breach of legislation, the Standards for NVR registered training organisations 2015 and/or the requirements of a Training Package or accredited course;
- e) **(Overseas Student Ombudsmen)** If the student is still dissatisfied with the outcome after Equinim College has engaged an external mediator, after the student has exhausted the College's internal complaints procedures in accordance with this policy and procedure, they may under the below listed circumstances lodge a complaint with the Overseas Student Ombudsmen:
  - a. refusing admission to a course;
  - b. fees and refunds;
  - c. course or provider transfers;
  - d. course progress or attendance;
  - e. cancellation of enrolment;
  - f. accommodation or work arranged by your provider; or
  - g. incorrect advice given by an education agent.

## 11. Reporting to the Department of Home Affairs

- (a) **(Unsatisfactory course progress)** Where the complaint or appeal is against Equinim College's decision to report the student for unsatisfactory course progress or attendance, Equinim College will maintain the student's enrolment until the internal and external appeals process is complete and the decision is made in favour of Equinim College reporting the change in enrolment to the DHA via PRISMS.
- (b) **(Change in CoE)** Where the complaint or appeal is against Equinim College's decision to defer, suspend, or cancel an international student's enrolment on the basis of misbehaviour, Equinim College will wait until the internal complaints and appeals process is complete before reporting the change of enrolment to the DHA.

- (c) **(Extenuating circumstances)** Where extenuating circumstances exist, such as concern surrounding the welfare of the student, or individuals the student may come in contact with, Equinim College may suspend the student's enrolment prior to completion of the Complaints and Appeals process. The student may still appeal the decision from their residence, or home country.
- (d) **(No complaint/appeal)** Where it has been 20 working days and the international student has not accessed the complaints and appeals process, or the international student withdraws, Equinim College will proceed in accordance with the Deferral, Cancellation and Suspension Policy and Procedure.

## **12. Records and follow-up**

The following applies:

- a) **(Filing)** Equinim College will file records of all informal and formal discussions regarding complaints and appeals and will record such evidence on the student files kept by Equinim College. Equinim College will keep a written record of the complaint or appeal, including a statement of outcome and reasons for outcome. Equinim College will retain all such records for at least five years.
- b) **(Complaints Register)** The Manager Operations shall establish and maintain a Complaints Register.
- c) **(Appeals Register)** The Manager Operations shall establish and maintain an Appeals Register.
- d) **(Corrective Action)** Upon review of a complaint, if Equinim College considers improvement is required, the Manager Operations will detail any corrective action taken in the Continuous Improvement Register.
- e) **(Implementation of requirements)** Where an external appeals process is complete and the decision is made in favour of the student, Equinim College will immediately implement the decision or recommendations and/or take the preventative or corrective action required by the outcomes of the external complaints handling or appeals process, and notify the international student of the outcome.
- f) **(Due consideration of recommendations)** If any recommendations are given as part of any external review, Equinim College will duly consider such recommendations in the context of its whole business.
- g) **(Security of records)** All complaint and appeals records and their outcomes are securely maintained. The Student Management System is password locked. Complaints and appeals and their written documentation of process are accessible only by authorised members of Equinim College staff.