



# AUSTRALIAN NATIONAL COLLEGE

## COMPLAINTS AND APPEALS POLICY AND PROCEDURES

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# COMPLAINTS AND APPEALS POLICY AND PROCEDURES

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## PURPOSE:

Australian National College is committed to providing a fair, safe and productive environment for all students, Clients and Both (Academic and Admin) Staff members, But Despite all the efforts of College to provide satisfactory services to its students, clients and Staff, complaints and appeals may occasionally arise, requiring informal or formal resolution.

In all instances, the Australian National College will respond to Complaint and Appeal in a way that contributes to the College supportive and fair learning environment, and consistent with the principles of fairness, equal opportunity, natural justice and to ensure that resolutions are reached in a timely manner.

## POLICY STATEMENT:

Australian National College endeavors to create a positive learning environment, free of coercion, unfair treatment or harassment. Any circumstance caused by Australian National College , its trainers, assessors or other staff, a third party providing services on College's behalf (including, the third party organization itself, their trainers, assessors or other staff), or another student of college, which affects the well-being of a student, will be dealt with in a professional manner in line with published procedures.

Students who are dissatisfied with decisions made by the College will be able to access the College's internal and external appeals processes, which are handled with care, fairness, professionalism, objectivity and independence. Should a student access college's appeal process, the students' enrolment will be maintained until the internal appeals process and if necessary, external appeals process has been completed.

Once the appeals process has been completed, college will undertake necessary actions depending on the outcome of the appeals process, within 10 working days of the process being finalized.

## AUSTRALIAN NATIONAL COLLEGE COMPLAINTS AND APPEALS POLICY:

- a) ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process;
- b) are publicly available;
- c) set out the procedure for making a complaint or requesting an appeal;
- d) ensure complaints and requests for an appeal are acknowledged in writing and finalized as soon as practicable; and
- e) Provide for review by an appropriate party independent of college and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.

Australian National College will endeavor to identify potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of recurrence.

## SCOPE:

This policy applies to complaints and appeals made by students enrolled at College, about any aspect of their experience with:

- Australian National College, its trainers and assessors or other staff
- A third party providing services on college's behalf (including the third party organization itself, their trainers and assessors or other staff)
- Another student of Australian National College

Students can easily access information about this policy and process from the Student Handbook available from the Australian National College website ([www.anc.vic.edu.au](http://www.anc.vic.edu.au)) and from the Campus Reception at no cost. This policy and process is also part of international students' *Enrolment Acceptance Agreement*. Staff will inform students about this policy and process during the orientation processes and also throughout their study at Australian National College.

All staff are made aware of the requirements of this policy through compulsory staff induction, regular meetings, and continuous improvement practices. Staff can access this policy and procedures from the Australian National College website ([www.anc.vic.edu.au](http://www.anc.vic.edu.au)).

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## DEFINITIONS:

<b>COMPLAINT</b>	<p><b>Complaint:</b> An expression of displeasure made to Australian National College by a student, related to services, trainers, assessors or other staff, education agents, a third party providing services on college's behalf, another student of Australian National College or the complaints handling process itself where a response or resolution is explicitly or implicitly expected. Examples of complaints include, but are not limited to:</p> <ul style="list-style-type: none"><li>• Unfair treatment</li><li>• State of classroom facilities, equipment or resources</li><li>• Time taken to receive feedback on academic results</li><li>• Time taken to access any service provided</li><li>• Any interaction</li></ul> <p>A person lodging the complaint is referred as 'Complainant'.</p>
<b>APPEAL</b>	<p><b>Appeal:</b> A written request by the student for a review of a decision made by Australian National College or a third party providing services on <b>College's</b> behalf. Examples of appeals include, but are not limited to:</p> <ul style="list-style-type: none"><li>• An assessment decision</li><li>• Australian National College intention to report a student for non-compliance of a visa condition</li><li>• Australian National College decision to not provide a student refund</li><li>• Australian National College decision to not approve a transfer request</li><li>• Australian National College decision to not accept an enrolment</li><li>• Australian National College decision to not approve a suspension of studies, deferment or cancellation request.</li></ul> <p>A person lodging the appeal is referred as 'Appellant'.</p>

## OUTLINE OF AUSTRALIAN NATIONAL COLLEGE'S INTERNAL AND EXTERNAL COMPLAINTS AND APPEALS PROCESSES

- Australian National College manages and responds to allegations involving the conduct of College, its trainers, assessors, or other staff, and a student. Australian National College responds to any complaint or appeal the students make regarding their dealings with the Australian National College and the Australian National College education agents. College does not use or have any arrangement with any third party to provide service on its behalf.
- Students can request (appeal) for a review of decisions, including assessment decisions, made by Australian National College.
- Students can discuss their issues informally with any member of the Australian National College Student Support Team.
- Australian National College staff will endeavor to resolve any disputes, informal/formal complaints or appeals raised regarding students dealing with college or the college's education agents amicably and at an early stage.
- Students can access **college's** complaint and appeal process to lodge a formal complaint or appeal if a matter cannot be resolved informally.
- Students unsatisfied with the informal process can lodge a formal complaint or appeal internally using the **college's Complaints and Appeals Form**.
- Students can access *Complaints and Appeals Form* from the *campus reception*. Student can easily access free and comprehensive information about Complaints and Appeals policy, procedures, processes and forms from the *website* ([www.anc.vic.edu.au](http://www.anc.vic.edu.au)) at any time.
- Students should complete *Complaints and Appeals Form*, and attach all the supporting documents and information the students have to support their complaint or appeal. Student must submit the filled in form to Student Support Team in person at the *Campus Reception*.
- There is no charge for students to lodge a formal complaint or appeal internally.
- Once the completed *Complaints and Appeals Form* is received by college, 'Director of Studies' or a delegate will send a written acknowledgement to the complainant/appealant within as soon as practicable from the receipt of the completed form.
- Staff will commence assessment of all formal complaints or appeals within 10 working days of it being made in accordance with the Australian National College's

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complaints handling and appeals process and policy, and finalize the outcome as soon as practicable.

- Staff will record, acknowledge, and deal with complaints and appeal in a fair and effective manner.
- Staff will conduct the assessment of the complaint or appeal in a professional, fair and transparent manner. Complainant or appellant will not be discriminated.
- Staff will provide students an opportunity to formally present their case at no cost. Students can be accompanied and assisted by a support person (e.g., a family member, or a friend who is not currently a college student) at any relevant meetings.
- Staff will notify providing students a written statement of the outcome of the internal complaint or appeal, including detailed reasons for the outcome as soon as practicable.
- Student not satisfied with the internal complaint resolution process or the outcome can access Australian National College internal appeals process within 20 working days from the notification date.
- Australian National College staff will keep a written and/or electronic record of the complaint or appeal, including a statement of the outcome and reasons for the outcome, according to *Record Management Policy and Procedures*. Written record of the complaint or appeal and further action required will be maintained in the *Complaints and Appeals Logbook*.
- Where Australian National College considers more than 60 calendar days are required to process and finalize the complaint or appeal, Australian National College Staff will:
  - inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and
  - Regularly update the complainant or appellant on the progress of the matter.
- If a student is not satisfied with the outcome of the internal complaints handling and appeals process, staff will advise the student within 10 working days of concluding the internal review of the student's right to access an external complaints handling and appeals process at minimal or no cost to the student.
- Australian National College staff will provide the students with the contact details of the appropriate external complaints handling and external appeals body.
- If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the student, Australian National College must immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the students of that action.

## AUSTRALIAN NATIONAL COLLEGE COMPLAINTS AND APPEALS POLICY, PROCEDURES AND PROCESS:

- ensures the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process
- are publicly available
- set out the procedure for making a complaint or requesting an appeal
- ensures complaints and requests for an appeal are acknowledged in writing and finalized as soon as practicable
- Provide for review by an appropriate party independent of Australian National College and the complainant or appellant, at the request of the individual making the complaint or appeal.
- Australian National College will identify potential causes of complaints and appeals and take appropriate or Australian National College action to eliminate or mitigate the likelihood of recurrence.
- Australian National College will securely maintain records of all complaints and appeals and their outcomes.
- Australian National College's complaints and appeals policy does not inhibit students' rights to pursue other legal remedies at any point during or after the implementation of procedure.

*"This written agreement, and the right to make complaints and seek appeals of decisions and action under various processes, does not affect the rights of the student to take action under the Australian Consumer Law if the Australian Consumer Law applies".*

### [Standard 3:-Formalisation of enrolment and written agreements](#)

## PROCEDURES:

### 1. INFORMAL PROCESS

Where possible all non-formal attempts shall be made to resolve the complaints. This may include advice, discussions, and general mediation in relation to the issue and the students' complaint. Any staff can be involved in this informal process to resolve issues however student support team is the preferred contact for students.

Matters dealt informally will not be documented unless the staff determines that the matter is relevant to wider operation.

### 2. FORMAL PROCESS

Students who are not satisfied with the outcome of informal handling of their complaints may use the formal approach by using the *Complaints and Appeals Form*. This form can be accessed from the student display/notice board, campus reception or via Australian National College's website ([www.anc.vic.edu.au](http://www.anc.vic.edu.au)).

#### 2.1 GENERAL COMPLAINTS

- All complaints should be submitted to Student Administration. Student Support Team at the Reception will deal with the complaints in the first instance and will ensure that all the fields of the *Complaints and Appeals Form* are properly filled by the complainant. This include the following information:
  - Submission date
  - Name of Complainant
  - Detailed description of Complaint
  - Attachments (if applicable);
- Once the completed form is received, reception staff will forward the form to the 'Director of Studies' who shall then refer the matter to the appropriate staff depending on the nature of the complaint, and ensure that the **resolution process begins within 10 working days** from the date of receipt of the completed Australian National College's Complaints & Appeals Form. Australian National College will endeavor to conclude the process within the reasonable timeframe.

- The 'Director of Studies' will **send a written acknowledgement to the complainant as soon as practicable after receipt of completed form**, and contact the complainant to arrange the date, place and time for the meeting with all parties involved in the matter allowing them to formally present their case, and attempt to seek resolution.
- On the meeting day, if the complainant has further supporting documents other than those supplied with the Complaints and Appeals Form, the complainant should bring those to the meeting. The complainants are welcomed and encouraged to bring a support person with them to this meeting, or any other related meetings.
- The 'Director of Studies' will conduct the meeting with complainant. Where possible, Australian National College will also appoint staff independent to the reason for the complaint to participate at the meeting.
- After meeting complainant, Australian National College will investigate and the 'Director of Studies' shall then inform the Complainant of any decisions or outcomes concluded in writing and the reasons for the outcome at its earliest.
- Copies of all documentation, outcomes and further action required will be placed into the Complaint & Appeal File and the Complaint and Appeal Log Book.
- If the outcome does not favor the complainant, the notification letter of the outcome shall also state the students' right to access internal appeals process if complainant is not satisfied with the outcome of their complaint.

## 3. APPEALS PROCESS

### 3.1 INTERNAL APPEALS

All students have the right to appeal decisions made by Australian National College. Appeals may arise of many sources including decisions made on:

- Assessments
- Notification of breach of course progress and/or attendance requirements
- Suspension or Cancellation (including cancellation due to non-payment of tuition fees) decisions made by Australian National College in relation to the student's enrolment
- Or any other conclusion that is made after a complaint has been dealt by Australian National College in the first instance.

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- To activate the appeals process the student is required to complete the *Complaints and Appeals Form* and submit to Student Administration in person. Student Support Team at the Reception will deal with the appeals in the first instance and will ensure that all the fields of the *Complaints and Appeals Form* are properly filled by the appellant. This includes the following information:
  - Submission date
  - Name of Appellant
  - Detailed description of Appeal
  - Attachments (if applicable);
- Students are required to clearly explain the reason for appealing a decision in the form and attach any relevant supporting documents. Assistance with this process can be gained from Australian National College Student Support Team at all times during working hours.
- Once the completed form is received, reception staff will forward the form to the 'Director of Studies' who shall then refer the matter to the appropriate staff depending on the type of the appeal, and ensure that the resolution process begins within 10 working days from the date of receipt of the completed form. Australian National College will endeavor to conclude the process within the reasonable timeframe.
- The 'Director of Studies' will **send a written acknowledgement to the appellant as soon as practicable after the receipt of completed form**, and contact the appellant to arrange the date, place and time for the meeting with all parties involved in the matter allowing them to formally present their case, and attempt to seek resolution.
- Where an appeal has been lodged, it will be defined into one of the following categories (**General Appeals, Assessment Appeals, Appealing Australian National College decision**) below and the appropriate procedures followed:

## 3.1.1 GENERAL APPEALS

- Where a student has appealed a decision or outcome of a formal complaint, the student is required to notify the Australian National College in writing using the *Complaints and Appeals Form* within **20 working days** from the Australian National College decision notification date. Any supporting documentation should also be submitted with the form.

## 3.1.2 ASSESSMENT APPEALS

- Where a student wishes to appeal an assessment outcome they are required to notify their assessor in the first instance. Where appropriate the assessor may decide to re-assess the student to ensure a fair and equitable decision is gained. The assessor shall complete a written report regarding the re-assessment outlining the reasons why assessment was or was not granted.
- If this is still not to the students' satisfaction the students shall formally lodge an appeal by submitting the *Complaints and Appeals Form* outlining their reasons for the appeal through. Student Administration will create a Complaint or Appeal file registering each document received. The Appeal/Complaint File will be forwarded to the 'Director of Studies' who will seek details from the assessor involved and any other relevant parties and make appropriate notes in both the Complaints and Appeals logbook.
- A decision shall be made regarding the appeal either indicating the original assessment decision stands or details of a possible re-assessment by another assessor appointed by the Australian National College.

## 3.1.3 APPEALING AUSTRALIAN NATIONAL COLLEGE'S DECISIONS

- Where a student wishes to appeal the decision of reporting the student to Department of Education and Training (DET) and Department of Home Affairs (DHA) via PRISMS for a breach of academic or attendance requirements, the students shall lodge their appeal by submitting the *Complaints and Appeals Form* outlining the details or reasons supporting their appeal at the Australian National College campus reception within **20 working days from the college's decision notification date**.
- The student should have extenuating circumstances as to why they have breached the requirements and must be able to provide evidence of these circumstances

- The 'Director of Studies' shall be notified and shall seek details regarding the initial documentation of the breach and shall make a decision based on the grounds of the appeal. All details pertaining to the appeal process should be updated into the *Complaints and Appeals Logbook*.
- Where a student has decided to access the appeals process in relation to a breach of course progress or attendance requirements, staff must not report unsatisfactory course progress or unsatisfactory course attendance in PRISMS until:
  - the internal and external complaints processes have been completed and the decision or recommendation supports the registered provider, or
  - the student has chosen not to access the internal complaints and appeals process within the 20 working day period, or
  - the student has chosen not to access the external complaints and appeals process, or
  - The student withdraws from the internal or external appeals processes by notifying the registered provider in writing.

## 3.1.4 APPEALING SUSPENSION OR CANCELLATION OF ENROLMENT

- Where a student wishes to appeal a suspension or cancellation of the student's enrolment (including cancellation due to non-payment of tuition fees) initiated by Australian National College the students are required to lodge the *Complaints and Appeals Form* outlining the details of their appeal within 20 working days from the college's decision notification date. The students should have extenuating circumstances as to why the decision should be reviewed and any supporting documentation supporting their appeal which is submitted through. Student Administration.
- Student Administration will create a Complaint or Appeal file with a register of activity secured on the inside front cover registering each document received. The Appeal/Complaint File will be forwarded to the 'Director of Studies' who will seek details regarding the initial documentation of the decision and shall make a decision based on the grounds of the appeal.
- Where a student has decided to access the appeals process, the suspension or cancellation of the enrolment will not take effect and Australian National College will not report the change to the student's enrolment in PRISMS until the internal appeals process is completed. The student enrolment will be maintained until the internal appeals process has been completed unless the overseas students health or wellbeing, or the wellbeing of others, is likely to be at risk.

## MEETING DAY

- The 'Director of Studies' will conduct the meeting with appellant and may request another staff member to be present in the meeting or participate in the decision making process.
- On the meeting day, if the appellant has further supporting documents other than those supplied with the Complaints and Appeals Form, appellant should bring those to the meeting. The appellant is welcomed and encouraged to bring a support person with them to this meeting, or any other related meetings. Minutes of the Meeting are to be recorded. Copies of any additional documentation, Meeting Minutes recording outcomes and further action required will be placed into the Complaint and Appeal Logbook Register.

## APPEAL OUTCOME

- Appellant will be informed of the appeal outcome in a written statement, including reasons for the outcome within **10 working days** after the meeting.
- Where a decision or outcome is in favour of the student, Australian National College will **immediately** implement the decision.

## 3.2 RECORD KEEPING

- Details of the complaint and appeal will be entered into the '*Complaints and Appeals Logbook*' by the student support team which is monitored by the 'Director of Studies' regularly. The information to be contained and updated within the register is as follows:
  - Submission date of complaint
  - Name of Complainant and Appellant
  - Description of Complaint and Appeal
  - Determined Resolution; and
  - Date of Resolution
- Copies of all documentation, outcomes and further action required will be placed into the 'Australian National College Complaints and Appeals Logbook' and a copy is kept in student's file according to Australian National College Record Keeping Policy and Procedures where formal approach is instituted.

## 3.3 EXTERNAL APPEALS

- If the student is not successful in the Australian National College's internal complaints handling and appeals process, Australian National College staff must advise the overseas student within 10 working days of concluding the internal review of the overseas student's right to access an external complaints handling and appeals process at minimal or no cost.

The contact details of the appropriate complaints handling and external appeals bodies are as follows:

### **National Training Complaints Hotline**

The National Training Complaints Hotline is a joint initiative between the Commonwealth, state and territory governments. Anyone with a complaint or query about the training sector now has one number to call, so they can report a complaint and have it referred to the right authority for consideration.

How to make a complaint

Consumers can register a complaint with the National Training Complaints Hotline by: Phone: 13 38 73 (please select option 4).

**OR**

### **The Overseas Student Ombudsman (OSO) – For International Students Only**

OSO is a specialist role of the Commonwealth Ombudsman.

**Phone:** 1300 362 072 (Calls from mobile phones at mobile phone rates)

**International:** +61 2 6276 0111

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**Complaints:** Online Complaint Form

(<https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=oco-complaint-form>)

**Post:** Commonwealth Ombudsman, GPO Box 442, Canberra ACT 2601

**Melbourne (By Appointment Only)**

Level 6, 34 Queen Street ,Melbourne VIC 3000

Visit [www.ombudsman.gov.au/about/overseas-students](http://www.ombudsman.gov.au/about/overseas-students) or phone **1300 362 072** for more information.

- If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the overseas student, Australian National College staff must immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the student of that action.

## 4. IMPLEMENTATION

- Where a decision or outcome is in favor of the student, Australian National College will **immediately** implement the decision.

## REFERENCES:

This policy/procedure supports:

*Education Services for Overseas Students Act (2000)*, [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#), Standard 10: Complaints and Appeals

*National Vocational Education and Training Regulator Act (2011)*, Standards for Registered Training Organisations (RTOs) 2015, [Standard 6. Complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively.](#)

## DOCUMENTS/FORMS:

1. Complaints and Appeals Form
2. Complaints and Appeals Logbook
3. Complaint and Appeal Outcome Letter

# COMPLAINTS AND APPEALS POLICY AND PROCEDURES

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## APPENDIX: - OUTCOME OF APPEAL APPROVED

### **Subject: - Outcome of Appeal Approved**

Dear {First Name}

{Student No}

This letter is in response to your Appeal against Australian National College's Intention to Report for not meeting attendance requirements. The Appeal was held and heard by Australian National College delegate.

The hearing was held in accordance with the [\*Complaints and Appeals Policy]. You were invited to bring a companion, i.e. friend or a representative.

I am now writing to you to inform you of the decision taken by Australian National College.

Australian National College having carefully considered your appeal and taken into account your representations, has decided:

To uphold your appeal.

This decision has been taken because <specify reasons why appeal has been successful>.

*You must continue to maintain your enrolment and attend scheduled classes as per your timetable. So it's in your best interest to attend your classes as per scheduled timetable and sign the attendance sheets accordingly.*

If you have any further enquiries, please feel free to contact us.

Yours sincerely

Student Support Team

## APPENDIX: - OUTCOME OF APPEAL REJECTED

Subject: - Outcome of Appeal Rejected

Dear {First Name}

{Student No}

This letter is in response to your Appeal against Australian National College's Intention to Report for not meeting attendance requirements. The Appeal meeting was held and the Appeal was heard by Australian National College delegate.

The hearing was held in accordance with the Australian National College's [\*Complaints and Appeals Policy]. You were invited to bring a companion, i.e. friend or a representative.

I am now writing to you to inform you of the decision taken by Australian National College.

Australian National College having carefully considered your appeal and taken into account your representations, has decided:

That the decision made by Australian National College was appropriate and so we do not uphold your appeal. This decision has been taken because **no compassionate and compelling circumstances were established for non-attendance/Unsatisfactory attendance.**

Having now exercised your right to appeal under [\*Complaints and Appeals Policy], this decision is made but if you think that the decision made by Australian National College is not appropriate then you have the right to access an external complaints handling and appeals process at minimal or no cost.

The contact details of the appropriate complaints handling and external appeals bodies are as follows:

***The Overseas Student Ombudsman (OSO) – For International Students***

***Phone:*** 1300 362 072 (Calls from mobile phones at mobile phone rates)

***International:***

+61 2 6276 0111

***Complaints:*** Online Complaint Form

<https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=oco-complaint-form>

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**Post:** Commonwealth Ombudsman, GPO Box 442, Canberra ACT 2601

Melbourne Office (By appointment only)

Level 6, 34 Queen Street

Melbourne VIC 3000

Visit [www.ombudsman.gov.au/about/overseas-students](http://www.ombudsman.gov.au/about/overseas-students) or phone 1300 362 072 for more information.

If the external complaints handling or appeal process results in a decision or recommendation in favors of the you (overseas student), Australian National College staff must immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the student (You) of that action.

The decision of this independent mediator is final and any further action the student wishes to take is outside the policies and procedures.

The students need to seek advice from Immigration on the potential impact of their student visa.

**Where a decision or outcome is in favor of the student, Australian National College will immediately implement the decision.**

**Australian National College's** complaints and appeals policy does not inhibit student's rights to pursue other legal remedies at any point during or after the implementation of procedure.

***So until, your external complaint handling or appeal process finalize; you must continue to maintain your enrolment and attend scheduled classes as per your timetable. So it's in your best interest to attend your classes as per scheduled timetable and sign the attendance sheets accordingly.***

Your Sincerely

Student Support Team

### Complaints and Appeals Logbook/Register

<b>Date lodged</b>	<b>Complainant and Appellant's name</b>	<b>Type</b> <i>(e.g. General Complaint and General Appeal / Assessment Appeal / Appealing against Australian National College's decision )</i>	<b>Description of complaint and appeal</b>	<b>Staff member managing complaint and appeal</b>	<b>Outcome and Date complaints and appeals resolved</b>	<b>Status</b> <i>(Pending / Resolved / External Appeals Initiated)</i>	<b>Comments</b>

***This policy document may be varied, withdrawn or replaced at any time. Printed copies, or part thereof, are regarded as uncontrolled and should not be relied upon as the current version. It is the responsibility of the individual reading this document to always refer to Australian National College Policies and Procedure Library database for the latest version.***