

APPEALS PROCESS

Policy number: 14.24

Authorised by: Director, Trison Business College

Introduction date: 1/7/98

Last revision date: 15/3/10

Policy Statement

The purpose of this procedure is to define the system available to students for dealing with appeals in accordance with the National Code 2007 Standard 8.

This policy does not preclude a student from seeking external advice or assistance. If a student does not wish to lodge an appeal in accordance with Trison Business College's policies then they should be directed to:

The Office of the Training Advocate
Ground Floor
55 Currie Street
Adelaide SA 5000
Telephone: 1800 006 488
Web: www.trainingadvocate.sa.gov.au

The Director is responsible for implementation of this procedure, monitoring the outcome of the appeal and ensuring the process is completed.

Requirements

1. Students who are concerned about a situation, a process, a person or people, a facility or a service of Trison Business College are encouraged to attempt to resolve their concerns using this policy.
2. Students must submit appeals addressing the grounds for appeal and provide supporting documentation. Appeals must be lodged within 20 working days.
3. All appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution with each appellant having an opportunity to formally present his or her case at minimal or no cost to him or herself.
4. Students will be provided with details of external authorities they may approach, if required.
5. At any stage in the appeals process each party may be accompanied and assisted by a support person at any relevant meeting.
6. A student's enrolment will be maintained throughout the duration of appeal process.
7. The process commences within 10 working days of the formal lodgement of the appeal and supporting information and all reasonable measures are taken to finalise the process as soon as practicable.
8. The Director will encourage all relevant parties to approach an appeal with an open view and to attempt to resolve problems through discussion and conciliation with an informal approach. Where an appeal cannot be resolved through discussion and conciliation, we acknowledge the need for an appropriate external and independent agent to mediate between the parties.
9. Nothing in this procedure inhibits students' rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights through other legal avenues.

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10. Trison Business College will not notify DEEWR of any change of the student's enrolment status through PRISMS system during the appeal process.
11. The National Code does not require Trison Business College to continue providing learning opportunities throughout the 20 working days allowed to appeal the decision and during the internal grievance process. Based on the nature of the misbehavior, Trison Business College will decide, on a case by case basis, whether to allow the student to continue to attend class, or make alternative study arrangements for the student, or to deny the student access to study opportunities. In making such a decision, the Director will consider whether denying the students learning opportunities throughout the 20 day appeal period and during the internal grievance process may disadvantage the students in their subsequent studies should the grievance process find in their favour.

Policy Guidelines

1. Appeals may arise from a number of sources, including appeals against discipline actions, appeals against decisions arising from complaints and appeals against an intention to report a student or request for release. The essential nature of an appeal is that it is a request by a student to reconsider a decision made by Trison Business College.
2. In the first instance, students are encouraged to resolve the concern or difficulty directly with the staff member(s). Where satisfactory resolution is not reached, the matter is referred to the Director.
3. When students choose to lodge appeals, the student must provide a written request, outline the reasons for their appeals and directly lodge to the Director with supporting evidence.
4. A meeting may be called with the student to discuss further details relating to their appeals if deemed necessary.
5. All reasonable measures will be taken to finalise the process as soon as practicable. After consideration of the documentation received with an appeal, the student will be notified in writing of the outcome including reasons and details for the decision.
6. If the appeals remain unresolved, the students can access external appeals processes at minimal or no cost. The students are also entitled to nominate a person of their choice to represent them.
7. In the case of an appeal against a possible report to DIAC relating to unsatisfactory course progress, only one external appeal will be permitted before the College will report to DIAC.
8. If an appeal by a student is against the College's decision to:
 - 8.1 report a student for unsatisfactory course progress

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The student's enrolment will be maintained until the external appeals process is complete and has supported the decision to report.

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

Trison Business College will await the outcome of the appeals process before advising DEEWR via PRISMS.

9. Appeals of unsatisfactory course progress can be made on the following grounds:
- Trison Business College's failure to record or calculate student results accurately
 - There are compassionate or compelling reasons which have contributed to student unsatisfactory progress
 - Trison Business College has not implemented its intervention strategy in accordance with its documented policies and procedures
 - Trison Business College has not implemented other policies which may impact upon the result
 - Trison Business College has not made relevant policies available to students

Where an appeal is made on compassionate or compelling grounds Trison Business College will seek documentary evidence to support the claim.

10. International Students are to be advised that they may be able to avail the services of an independent counsellor(s) for external appeals process, for example:

The Office of the Training

Advocate

Ground Floor
55 Currie Street
Adelaide SA 5000
Telephone: 1800 006 488
Web:
www.trainingadvocate.sa.gov.au

CentaCare Catholic Family

Services

33 Wakefield Street
Adelaide SA 5000
Telephone: 8210 8200

Uniting Care Wesley

Adelaide

10 Pitt Street
Adelaide SA 5000
Telephone: 8202 5160

11. Some overseas countries have a peak representative organisation in Adelaide and these organisations may also be able to provide assistance to the student. The Council for International Trade and Commerce SA Inc (Ph: +61 8 8373 5599) can assist in locating a specific country's representative organisation.

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12. If students are not satisfied with the College's appeals process, they are encouraged to provide a written complaint to:

The Office of the Training Advocate
Ground Floor
55 Currie Street
Adelaide SA 5000
Telephone: 1800 006 488
Web: www.trainingadvocate.sa.gov.au

or contact DEEWR through the ESOS mailbox esosmailbox@dest.gov.au or through the ESOS helpline (02) 6240 5069.

13. If the internal or any external complaint handling or appeal process results in a decision that supports the student, Trison Business College will immediately implement any decision and/or corrective and preventative action required and advise the student of the outcome.
14. The College will update the students' files to record the outcome, and any subsequent actions.