

1. Purpose

This Complaints and Appeals Policy and Procedure ensures that Opengate Institute responds effectively and efficiently to individual cases of dissatisfaction in accordance with the requirements of the Standards

2. Scope

This policy and procedure apply to both enrolled and prospective Opengate Institute students.

3. Responsibility

The Student Services Manager is responsible for the implementation of this policy and procedure and ensuring that staff and students are made aware of its application.

4. Definitions

Complainant refers to a person who has lodged a complaint with Opengate Institute. Complaint means a person's expression of dissatisfaction with any service provided by Opengate Institute including academic and non-academic matters.

Appeal refers to the process where a student requests for the case to be reviewed if dissatisfied with a decision made by Opengate Institute.

Academic matters include those matters which relate to student progress, assessment, course content or awards in a course of study.

Non-academic matters include those matters related to student enrolment, induction, or orientation process, quality of education and discrimination or harassment that the student may have experienced.

Student/s refers to all persons enrolled or seeking to enrol in a unit of study/course under any subsidised or full fee-paying students.

Natural Justice means general procedural fairness in the handling of complaints and appeals that involves the following:

- The right to a fair hearing

- The right to attend hearings with a friend or support person, if required

- The opportunity for all parties involved to be heard

- The respondent having full knowledge of the nature and substance of the complaint

- The Complainant not determining the outcome, but may be a party to it

- The right to independent, unbiased decision-making

- A final decision that is based solely on the relevant evidence.

5. Policy

Opengate Institute understands that on occasion, there may be instances of dissatisfaction and acknowledges that the cause(s) must be addressed and rectified promptly.

This Complaints and Appeals Policy and Procedure will be made publicly available on Opengate Institute's website and Student Handbook.

Opengate Institute will ensure that:

It has necessary structure in place to deal with Complaints and Appeals by forming a Complaints and Appeals Committee with authorised members from different areas.

All prospective students will have access to information about the Complaints and Appeals Policy and Procedure prior to enrolment.

The principles of Natural Justice shall apply to student complaints and appeals proceedings.

Students will be provided with details of external appeal authorities they may approach, if required.

Complaints and Appeals

All complaints and appeals will be handled professionally and confidentially. For internal complaints and appeals:

- the student will have an opportunity to formally present their case, in writing or in person and at no cost to the student
- the student may be accompanied and assisted by a support person at any relevant meetings
- at the end of the appeal meeting, the student will be given a written statement of the outcome, including details of the reasons for the outcome.
- student's enrolment will be maintained while an internal complaint or appeal is in progress.
- Opengate Institute will encourage the parties to approach a complaint or appeal with an open view and to attempt to resolve problems through discussion and conciliation.
- where a complaint or appeal cannot be resolved through conciliation, the student may contact an appropriate external and independent agent to review the decision implemented by Opengate Institute.
if a student complaint or appeal highlights a systemic issue requiring change, the issue will be reported at Opengate Institute's management meeting as part of the continuous improvement process.
- nothing in this policy restricts the student's right to pursue other legal remedies, nor does the availability of dispute resolution processes remove the right of the student to take action under Australia's consumer protection laws.
- all complaints are managed fairly, equitably, efficiently and in a timely manner.
- the complainant and the respondent will not be discriminated against or victimised.
- the complainant and the respondent will have the opportunity to present their case at each stage of the procedure.
- the complainant and/or the respondent will have the right to have a representative present during any negotiations with Opengate Institute or its appointed representatives.

- complainant and/or the respondent will have the right to appeal a decision.
- discussions relating to complaints and appeals will be recorded in writing. Reasons and full explanation for decisions and actions taken as part of this process will be provided to the complainant and/or respondent in writing.
- records of complaints and appeals handled under this procedure and their outcomes shall be maintained in accordance with RGIT's Student Records Archiving Policy.
- academic and non-academic staff will be communicated and trained to ensure that they understand this policy and procedure and its application.

6. Procedure

6.1 Informal Complaint

Students are encouraged, wherever possible, to resolve concerns or difficulties directly with the person(s) concerned or relevant person before it becomes a formal complaint. The Student Services Manager and if applicable other Complaints and Appeals Committee members are available to assist students to resolve their issues at this level.

Assuming it is agreed that the complaint is dealt through this informal complaint procedure, the staff member who is consulted, shall discuss the complaint fully with the complainant and with the complainant's consent, anyone else involved, to see if it can be resolved informally. This may involve referral of the complaint to a third party.

Complaints dealt in this way do not become part of the formal complaint process and will not be documented, recorded or reported on unless an Opengate Institute staff is involved.

Complaints and Appeals determine that the issue in question or complaint is relevant to the wider operation of Opengate Institute.

6.2 Formal Complaint

If complaints are not resolved through an informal process, students can access the formal procedure, which will take place in three stages:

6.2.1 Stage 1: Formal Complaint

Formal complaints should be submitted in writing to Student Services Manager. The Student Services Manager will consider and investigate the complaint within ten (10) working days from the date submitted by the complainant.

In this process, the Student Services Manager or a nominated member from Complaints and Appeals Committee, may seek information and clarification by written or verbal request or by face-to-face interview with the complainant and/or the respondent.

When such clarification occurs in a face-to-face interview, the complainant or respondent may ask another person to accompany him or her.

The Student Services Manager or a nominated member from the Committee, will then endeavour to resolve the complaint and will provide a written report to the complainant on the steps taken to address the complaint, including the reasons for the decision. The complainant will be notified of their decision in writing within ten (10) working days.

If a complaint investigation time exceeds the above timeframe, the Student Services Manager or nominated member from the Committee will notify the complainant in writing, the reason and the new timeframe.

The complainant will be advised of their right to access an Internal Appeals process (Stage 2) if they are not satisfied with the outcome of the complaint in Stage 1.

6.2.2 Stage 2: Internal Appeals

Where the complainant is not satisfied with the outcome of the formal complaint in Stage 1, or for an individual who is not satisfied with an outcome of an alternate process, they may lodge an appeal in writing within ten (10) working days of receiving notification of the outcome of their respective matter/formal complaint.

An Internal Appeal Process is initiated when the Student Appeal Form is lodged to Student Services by the respective individual, referred to as the Applicant. Within ten (10) working days of receiving the Student Appeal Form, the Complaints and Appeals Committee will convene an investigator or Student Appeal Committee to hear the appeal and propose a final resolution.

The Applicant's appeal will be deliberated by an independent and impartial officer/committee of RGIT, referred to as the Reviewer.

Where the Committee has been convened as the Reviewer; if a member of the Committee has been involved in the complaint process, they will not be included in the Appeal Committee to ensure fair process. The Reviewer will conduct all necessary consultations with the Applicant and other relevant persons and determine the outcome of the appeal. The complainant or respondent may ask another person to accompany him/her at any meeting with the Reviewer.

The Reviewer may:

- a) uphold and confirm the decision
- b) vary the decision; or
- c) set the decision aside and substitute a new decision.

The Reviewer will advise the Applicant in writing of the outcome of the appeal, including the reasons for the decision, within ten (10) working days.

The Applicant will be advised of their right to have the decision reviewed by an independent external body (Stage 3) if they are not satisfied with the outcome.

6.2.1 Stage 3: External Mediate

If the Applicant is dissatisfied with the outcome of the Internal Appeal on Stage 2, they may refer the decision for review by an external dispute resolution process facilitated by the Resolution Institute (RI) or Ombudsman within twenty (20) days of the decision being made.

Domestic students

Students can lodge their appeal with the Resolution Institute. The RI consist of mediators, arbitrators, adjudicators, restorative justice practitioners and other professionals, created as a result of the integration of LEADR with IAMA in 2014.

Further information on RI can be found on their website. <http://www.resolution.institute>

Students may need to cover the cost for lodging appeals with RI for their part. An independent RI mediator will investigate the case, make an assessment and advise the complainant of the outcome.

The RI mediator will also notify the outcome of the external appeal to the Student Services Manager of Opengate Institute. Both parties may ask another person to accompany them at any mediation meetings. If the RI makes recommendations in relation to a complaint they have reviewed, the RI will forward those recommendations to the Student Services Manager of Opengate Institute. Opengate Institute will give due consideration to any recommendation made as a result of the external review and will ensure that such recommendations are implemented within thirty (30) days.

Contact details for RI is as follows:

Resolution Institute

Level 1-2, 13-15 Bridge Street, Sydney NSW 2000

Phone: (+61 2) 9251 3366 or Free call: 1800 651 650

Fax: (+61 2) 9251 3733 Email: infoaus@resolution.institute

Website: www.resolution.institute

If you are not satisfied, you can put your case in writing to the Student Services Manager. You should use the Student Complaints Form to lodge your formal complaint. This form can be obtained from Student Services at reception. The Student Services Manager or nominated member from the Complaints and Appeals Committee will investigate the complaint. A decision will be made within 10 working days and you will be notified in writing.

If you are still not satisfied with the decision or complaints resolution, a written appeal can be lodged using the Student Appeal Form available from Student Services or contacting info@opengateinstitute.edu.au