

Internal Appeals process for students issued with an Intention to report for unsatisfactory progress

Background

1. Student's course progress is verified to be unsatisfactory as per the Department of Education-DIBP Course Progress Policy ("the Policy"). This is defined as "not successfully completing or demonstrating competency in at least 50% of the course requirements in that study period."
2. Source of data are the Course progress reports in EBS, each covering a maximum of 6 (six) months.

Process

3. International Student Contact/Institute Compliance Officer must check that the student has been put on a Learning Agreement (LA) after the first semester of failure has been confirmed and that the LA has been monitored as per the requirements of clause 3.4 of the Policy.
4. In the case of student whose progress is still unsatisfactory (i.e. fail in more than 50% of units in 2 (two) consecutive semesters), the International Student Contact or Institute Compliance Officer checks results with Head Teacher. If the results are accurate, the student is notified and requested to meet with the Compliance Officer to discuss/verify results.
5. International Student Contact/Institute Compliance Officer issues Intention to Report (IOR) after meeting with the student and confirming that the results are accurate.
6. The IOR is a standard template and includes the 20 working days period for lodgement of appeal.
7. If an appeal is received within the 20 day period then an appeal panel is formed by the Institute Director or delegate.
8. The panel (minimum of 2 members) is chaired by the Institute Director or delegate, or equivalent college staff. It is recommended that a member of the academic staff and the International Students Manager be on the panel.
9. The panel must:
 - check for any errors in the academic records of the student
 - consider any compelling and compassionate circumstances as outlined in the Explanatory Notes to the Policy.
10. The panel may invite the student to discuss the appeal in person. The student is allowed to bring a support person to any discussion with the panel. The role of the support person is only to provide support and advice to the student.
11. If the panel upholds the appeal the student is notified and no further action is taken as regards reporting.
12. If the panel rejects the appeal, the student is notified of the external appeal process through the NSW Ombudsman. There is a limit of 10 (ten) working days for external appeals to be lodged.
13. If the appeal is upheld by the NSW Ombudsman, TAFE notifies student.
14. If the appeal is rejected by the NSW Ombudsman, TAFE proceeds to report student for noncompliance. Student is asked to confirm their visa status to TAFE International within one month.
15. If no internal appeal is received within the 20 day period, the Institute proceeds to report the student for non-compliance. Student is asked to confirm their visa status to TAFE International within one month.
16. If the student is dissatisfied with the appeals process, the student may lodge a complaint with the Department of Education or with the NSW Ombudsman www.ombo.nsw.gov.au
17. The purpose of the external appeals process is to consider whether TAFE NSW has followed its policies and procedures. The purpose of the external appeal is not to make a decision in place of the provider.