

Are you an international student who has been excluded from your university or TAFE course?

If you have been excluded from a university or TAFE course in New South Wales you have a number of ways to appeal the decision or make a complaint if you think the decision is unfair or wrong.

All students have a right to an internal and external review. The issues looked at in each review will be different.

Appeal to your university or TAFE – internal review

If you think the decision is unfair or unreasonable you can lodge an appeal with your university or TAFE. There will be a policy on how appeals are carried out and there will be a deadline for when you need to appeal by.

You will need to provide the details of why you are appealing and all the relevant evidence you have. The university or TAFE will look at the evidence you provide and decide if the right decision was made to exclude you. This is sometimes called a review of the 'merits' of the decision. They will also decide whether the process has been followed, and whether it was fair and reasonable.

Some universities will also let you complain to a university ombudsman or a complaint unit – you should check with the university about this and what issues they will look at.

Complaint to the NSW Ombudsman – external review

The role of the Ombudsman is different to an internal appeal. The Ombudsman can investigate the administration of the university or TAFE where there is evidence of wrong conduct. The Ombudsman does not make a decision in place of the university.

In deciding whether or not to investigate a complaint, the Ombudsman considers if there is evidence of administrative errors or misconduct. If the internal appeal process has been followed, we will not take any action unless there is clear evidence of an error or some improper conduct.

The sorts of issues we can look at are delays, not following the policy, a problem with the procedures and improper behaviour of university or TAFE staff.

What can the Ombudsman do?

If we cannot take up your complaint we will tell you the reasons why. Most complaints where something has gone wrong can be resolved informally. Usually we will phone the university or TAFE and ask for an explanation. We often ask to see the documents from the appeal file. Many issues can be dealt with this way.

We might suggest to the university or TAFE what could resolve the problem, although we cannot make them agree to our suggestions.

If we are not happy with the response by them we may formally investigate a decision. If we find your complaint is justified, the findings are reported to the organisation concerned and the relevant Minister. You are also told of the conclusions and findings.

In a report, the Ombudsman may recommend:

- the university or TAFE reconsider or change its action or decision
- a law, rule or procedure be changed
- the university or TAFE take other appropriate action (e.g. compensation)
- in serious cases, beginning of disciplinary proceedings.

We cannot force a university or TAFE to comply with our recommendations, although they usually do. If they do not, and we believe it is in the public interest, we may make a report to the NSW Parliament.

How can you lodge a complaint with the Ombudsman?

You will need to ensure you lodge your complaint with the Ombudsman's Office as soon as possible after you hear the result of your appeal. The university or TAFE can tell you whether they have a set time period allowing you to lodge an external appeal before they inform the Commonwealth Government you are no longer a student.

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You should make every effort to meet this deadline, but you can complain to the Ombudsman at any time.

You will need to write a letter of complaint to the Ombudsman setting out the issues. However, a first phone call may help clarify the issues or help you understand the Ombudsman's complaint handling procedures. For example, some complaints may need to be made to a different agency (such as complaints about discrimination or a breach of privacy).

The Ombudsman's office operates an inquiries service from 9am – 4pm weekdays. You can call 9286 1000 or toll free 1800 451 524.

You will need to provide all the evidence at the start of your complaint. Your evidence should show where the university has failed to follow the normal procedures or why the decision involved improper conduct.

Someone will be given the job of answering your letter.

What happens at the end of your complaint being considered?

We will tell you our decision in writing and give full reasons for our decision. You will also be able to talk to the person dealing with your complaint.

We will also tell your university or TAFE what the outcome of your complaint is, so that they can tell the Commonwealth Government of your progression status. The university or TAFE is required by law to advise the Commonwealth Government you have been excluded if your external complaint has not been upheld.

Contact us for more information

Our business hours are: Monday to Friday, 9am–5pm (*Inquiries section closes at 4pm*)

If you wish to visit us, we prefer you make an appointment. Please call us first to ensure your complaint is within our jurisdiction and our staff are available to see you.

Level 24, 580 George Street
Sydney NSW 2000

Email nswombo@ombo.nsw.gov.au

Web www.ombo.nsw.gov.au

General inquiries 02 9286 1000

Facsimile 02 9283 2911

Toll free (outside Sydney metro) 1800 451 524

Tel. typewriter (TTY) 02 9264 8050

Telephone Interpreter Service (TIS): 131 450

We can arrange an interpreter through TIS or you can contact TIS yourself before speaking to us.