

## Fact sheet 17

### Overseas Students and the role of the Ombudsman

The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (the Code) 2007 took effect from 1 July 2007. Standard 13 - ***Deferring, Suspending or Cancelling the Student's Enrolment*** - provides for a student to have access to complaints and appeals mechanisms if a provider initiates a suspension or cancellation of enrolment against a student's wishes.

Providers are required to report the suspension or cancellation of an overseas student's enrolment to the Department of Education, Science & Training. This can lead to the student's visa being cancelled. The Code requires that a provider cannot report the cancellation or suspension of a student's enrolment to the department until the student has been given the opportunity to seek a review from an external complaint handling or review process.

#### The role of the Ombudsman

The Ombudsman is an independent officer of the Victorian Parliament. His office provides a free service that investigates complaints about administrative actions taken by Victorian government departments, most statutory authorities and local government. The Ombudsman is impartial, ethical and respectful of individual rights and the services offered are free.

Universities created by Victorian legislation are within the jurisdiction of the Ombudsman. The Ombudsman is an external body to which students may direct complaints under the Code. Other providers of training and education may be subject to the Ombudsman's jurisdiction subject to the particular circumstances of the organisation. Telephone us if you are unsure of whether the Ombudsman has jurisdiction to consider a complaint regarding a particular provider.

#### Handling a complaint regarding suspension or cancellation of enrolment

When considering complaints regarding the suspension or cancellation of a student's enrolment, the Ombudsman considers whether the provider has acted fairly and complied with its own policies and procedures. The Ombudsman does not review the academic merits of an assessment.

## Making a complaint to the Victorian Ombudsman

You should pursue all the steps offered through a provider's internal review system before making a complaint to the Ombudsman. If these internal processes have been completed you can lodge a written complaint to the Ombudsman. You are welcome to contact us to discuss your complaint with an investigation officer prior to sending a written complaint.

Complaints can be submitted by letter, facsimile, email or by the on-line complaint form.

A complaint must identify how the provider's decision is unfair or does not comply with the relevant policies and procedures. The complaint should also provide any information that supports the complaint including the correspondence from the provider that finalised the internal review process.

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