

International Students Appeal against Intention to Report Procedure

1. PURPOSE

The purpose of this procedure is to provide international students with a fair appeal process where JMC Academy intends to report the student to the Department of Education (DE) and the Department of Home Affairs (DoHA).

2. SCOPE

This procedure applies to all international students on student visas at all JMC Academy campuses. It is to be enacted when a student has received a Notice of Intention to report from JMC Academy and the student chooses to appeal the decision.

3. DEFINITIONS

Please refer to *JMC Academy Glossary*.

4. PROCEDURE

4.1 NOTICE OF INTENTION TO REPORT

- In accordance with the Academic Progression Policy and Support and Intervention Policy, JMC Academy's Department of International Services will issue a formal Notice of Intention to Report to the student by registered mail.
- The notice will include:
 - The reason for the intention to report,
 - That the student has 20 working days (from the receipt of the Intention to Report notification letter) in which to appeal the decision,
 - That if they do appeal, they will be expected to submit a formal letter to the Department of International Services outlining why JMC Academy should not report, and in the case of reporting due to making Unsatisfactory Academic Progression (UAP), reasons for any non-submission of work and reasons for absences,
 - The appeal letter should also include changes in behaviour the student will make if they are granted the appeal,
 - That the student should not attend classes while the appeal process is taking place;
 - The date of the end of the appeals process,
 - That if the student does not wish to enter the internal appeals process, their Confirmation of Enrolment (CoE) will be cancelled and this may lead to cancellation of their student visa,
 - That in the event of the CoE cancellation they should seek the advice of the Department of Home Affairs in relation to their visa status.
- A copy of the notice will be kept on the student's file.

4.2 APPEALS PROCESS

- The student informs the Department of International Services that they intend to appeal the intention to report.
- A written appeal letter is received and kept in the student's file.
- The Director of International Services considers the student's appeal and may request further evidence (eg. Medical certificates) if required.
- The Director of International Services will consult with the relevant Head of Department and Academic Support Officer. The student's class attendance and utilisation of student support services will also be taken into account.

4.2.1 Appeal Upheld

- If the appeal is successful, the student will be notified in writing and their enrolment re-instated as soon as is practicable.
- A learning agreement will be created as part of the Intervention Strategy.

4.2.2 Appeal Not Supported

- If the Director of International Services determines that the appeal does not have merit a Student Appeals Committee will be formed. The committee will be comprised of:
 - the relevant Campus Manager as the delegated Chair, and
 - the Director of International Services (or nominee), and
 - one academic staff member, and/or
 - other members as determined by the Chair.
- The appeal will be considered, and if it is successful the student will be notified in writing and their enrolment re-instated as soon as is practicable.
- A learning agreement will be created as part of the Intervention Strategy.

4.2.3 Appeal Refused

- If the appeal is unsuccessful, the student will be notified in writing within 10 working days.
- The notice will include the date which JMC Academy intends to report the student to DE and DoHA through PRISMS, resulting in the cancellation of their CoE.
- The notice will also advise that the student can access an external appeals process within 10 working days. The student will be referred to the Overseas Student Ombudsman (OSO).

4.2.4 External Appeal

- If the student appeals to the OSO, JMC Academy will wait the outcome of the appeal. The student may not enrol during the external appeals process.
- If the OSO rules in the student's favour, JMC Academy will reinstate the student's enrolment as soon as is practicable.
- If the OSO rules in JMC Academy's favour, the student will be reported to DE and DHA as soon as is practicable.

4.2.5 Internal Reporting

- The Director of International Services logs all initiated, ongoing and resolved appeals against intention to report in the Student Complaints and Appeals register.
- Campus Managers report all student complaints and appeals regularly with reports submitted to Senior Management Meetings.
- Reports are ultimately provided for review by the Academic Board, Risk management Committee and ultimately the Governing Council.

5. COMPLAINTS and APPEALS

Students may access the Student Complaints and Appeals Policy and its associated procedures to appeal against any decisions made under this procedure.

6. POSITIONS RESPONSIBLE FOR IMPLEMENTING PROCEDURE

- Director of International Services
- International Student Support Officer
- Campus Managers

7. RELATED DOCUMENTS

- Support and Intervention Strategy Policy
- Support and Intervention Strategy Procedure
- Diversity Equity and Inclusion Policy
- Academic Progression Policy
- Assessment Management Procedure
- Student Complaints and Appeals Policy
- JMC Academy Glossary

8. RELATED LEGISLATION

This Procedure supports JMC Academy's compliance with the following legislation:

- Education Services for Overseas Students (ESOS) Act 2000 (Cth),
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018
 - ESOS National Code 2018, Part B, Standard 10

9. PROCEDURE REVIEW DATE

13th August, 2022

10. VERSION CONTROL TABLE

Title	<i>International Students Appeal against Intention to Report Procedure</i>			
Maintained By	International Division			
Approving Authority	Governing Council			
Approved Date	13/08/2018			
Version Number	Modified By	Modifications Made	Date Modified	Status
1.0	L. Te	Original version	8/10/2018	Superseded
2.0	M. Hafda	Reformatted	8/10/2018	Approved by the Governing Council on 11/10/2018 Superseded
2.1	P. Gainey	Student Appeals Committee added in 4.2.2 and sections on reporting in 4.2.5	05/08/2019	Approved by the Governing Council on 13/08/2019 Current