

## Student Complaints and Appeals Procedure

### PROCEDURE PURPOSE

UTS Insearch is committed to creating a supportive and open organisational culture, which values ethical and responsible management, transparency in decision-making processes, and a consistent, accessible and fair complaints process. UTS Insearch is equally committed to providing a learning environment in which complaints and appeals are responded to promptly and fairly.

This procedure document applies to student complaints and appeals at UTS Insearch and should be read in conjunction with the Student Complaints and Appeals Policy.

### SCOPE

This procedure applies to current and prospective students of UTS Insearch. It does not apply to students enrolled in UTS Insearch courses offered by global partners.

**Note:** Complaints by UTS direct students relating to accommodation and/or welfare services will be managed by UTS Insearch as per UTS Insearch's Management of Student Incident Procedure. The Student Welfare Team Leader will refer these complaints to UTS where appropriate.

UTS Insearch views student complaints as providing an opportunity to review and improve its policies and practices, and also to gain insight into student levels of satisfaction. To support this, if required, UTS Insearch will provide an interpreter for the complainant throughout the complaint or appeal process.

**DEFINITIONS** are set out at the end of this procedure.

### PROCEDURE STEPS

Activity	Description	Responsible
<b>LODGING A COMPLAINT – NON-ACADEMIC MATTERS</b>		
Pathway 1	<p><b><u>Lodge a (verbal) complaint in person about a routine matter</u></b></p> <p>Students are able to raise a complaint to the area or department and staff member most able to directly respond (eg, teacher about an in-class issue, Student Centre about a student service</p>	Student

	<p>matter).</p> <p>All UTS Insearch Staff and Affiliates are empowered to respond to complaints to ensure that students feel comfortable reporting a complaint.</p> <p>UTS Insearch encourages a person raising a complaint to take this option where:</p> <ul style="list-style-type: none"> <li>▪ the person feels comfortable with making a direct approach; and</li> <li>▪ where the complaint does not relate to allegations of unlawful behaviour (eg, assault, illegal discrimination or harassment, or corruption).</li> </ul>	
<b>Pathway 2</b>	<p><b><u>Lodge a (verbal or written) complaint about a difficult or sensitive issue</u></b></p> <p>A person raising a complaint about misconduct can lodge with the following people:</p> <ul style="list-style-type: none"> <li>▪ Company Secretary/CFO: allegation of corruption/maladministration (including about a representative office overseas);</li> <li>▪ Program Managers: allegation of improper conduct by a teacher in the program;</li> <li>▪ HR Director: allegation of discrimination, harassment, bullying, child abuse;</li> <li>▪ Chief Market Development Officer: allegation of fraud or corruption involving a channel partner or sales contractor; or</li> <li>▪ Chief Business Development Officer: allegation of fraud or corruption involving a joint venture partner.</li> </ul>	Student
<b>Pathway 3</b>	<p><b><u>Lodge a complaint by email</u></b></p> <p>Students can lodge a complaint in writing at <a href="mailto:complaint@insearch.edu.au">complaint@insearch.edu.au</a> outlining the complaint with the below details included:</p> <ul style="list-style-type: none"> <li>▪ Name and contact details;</li> <li>▪ Issue, time and nature of the matter which gave rise to the complaint; and</li> <li>▪ Any people involved in the complaint.</li> </ul> <p>Note: anonymous complaints can be made but will generally only be acted upon where the matter is</p>	Student

	relatively serious and where there is sufficient information to enable an investigation to be conducted.	
<b>Responding to a complaint about a routine/non-complex issue (Pathway 1)</b>	<p>Frontline Staff member/Affiliate:</p> <ol style="list-style-type: none"> <li>1. Gathers relevant details about the complaint from the student lodging the complaint;</li> <li>2. Emails student acknowledging receipt of complaint:                         <ol style="list-style-type: none"> <li>a. within 2 days of receiving it</li> <li>b. uses prescribed format for 'subject line' – COMPLAINT – (student number) student name</li> <li>c. stores this email in i-Records</li> </ol> </li> </ol>	Person receiving the complaint/Manager/SLT
	<ol style="list-style-type: none"> <li>3. Makes an assessment (consult with Manager where needed) as to whether the complaint needs to be escalated to the team Manager or relevant Senior Leadership Team member.</li> </ol> <p>If not escalated, Staff member/Affiliate:</p> <ol style="list-style-type: none"> <li>a. Investigates the complaint;</li> <li>b. Liaises with student making the complaint and other parties as required (e.g. if required, set up an interview with the complainant, the respondent and/or any other witnesses). If appropriate arranges a mediation meeting with the parties involved;</li> <li>c. Resolves the complaint and communicates this in writing to the student advising the result;</li> <li>d. Stores this correspondence in i-Records</li> <li>e. Provides the student with information about how to lodge an internal appeal if they are dissatisfied with the outcome;</li> <li>f. Advises the student that the option to appeal to an external body also exists; and</li> <li>g. Enters the complaint details in team complaints register (see requirements section under 'record keeping').</li> </ol> <p>If not resolved within 5 days:</p> <ol style="list-style-type: none"> <li>a. Staff member/Affiliate escalates the complaint to the relevant Manager;</li> </ol>	Person receiving the complaint/Manager/SLT

	<ul style="list-style-type: none"> <li>b. Manager notifies complainant of the change in complaints management contact person;</li> <li>c. Manager has 10 days to investigate and respond to the complaint;</li> <li>d. Manager resolves the complaint and communicates this in writing to the student advising of the result;</li> <li>e. Manager provides the student with:                             <ul style="list-style-type: none"> <li>▪ Information about how to lodge an internal appeal if they are dissatisfied with the outcome;</li> <li>▪ Advice of the option to appeal to an external body also exists; and</li> </ul> </li> <li>f. Enters the complaint details in team complaints register (see requirements section under 'record keeping').</li> </ul>	
<b>Responding to a complex or sensitive issue (Pathway 2)</b>	<p>Manager:</p> <ul style="list-style-type: none"> <li>4. Gathers relevant details about the complaint from the student lodging the complaint;</li> <li>5. Emails complainant acknowledging receipt of complaint                             <ul style="list-style-type: none"> <li>a. within 1 day of receiving it</li> <li>b. uses prescribed format for 'subject line' – COMPLAINT – (student number) student name</li> <li>c. stores this email in i-Records; and</li> </ul> </li> <li>6. Makes an assessment as to whether the complaint needs to be escalated to a Senior Leadership Team member.</li> </ul> <p>If not escalated, Manager:</p> <ul style="list-style-type: none"> <li>a. Investigates the complaint;</li> <li>b. Liaises with student making the complaint and other parties as required (e.g. if required, set up an interview with the complainant, the respondent and/or any other witnesses). If appropriate arrange a mediation meeting with the parties involved;</li> <li>c. Has 10 days to investigate and respond to the complaint;</li> <li>d. Resolves the complaint and communicates this in writing to the student advising of the result;</li> <li>e. Provides the student with:                             <ul style="list-style-type: none"> <li>▪ Information about how to lodge an internal</li> </ul> </li> </ul>	Manager

	<p>appeal if they are dissatisfied with the outcome</p> <ul style="list-style-type: none"> <li>▪ Advice of the option that appeal to an external body also exists if the internal appeal is unsuccessful</li> <li>▪ Stores this correspondence in i-Records; and</li> </ul> <p>f. Enters the complaint details in team complaints register (see requirements section under 'record keeping').</p> <p>If escalated, the SLT member:</p> <ol style="list-style-type: none"> <li>a. Notifies complainant of the change in complaints management contact person;</li> <li>b. Has 10 days to investigate and respond to the complaint;</li> <li>c. Undertakes an investigation in a timeframe aligned with the nature of the complaint (but not greater than 10 days);</li> <li>d. Advises Managing Director of complaints involving an allegation of serious misconduct or unlawful activity;</li> <li>e. Consults with the Company Secretary/CFO prior to obtaining legal advice (if legal advice is required);</li> <li>f. Consults with the Managing Director prior to informing law enforcement or other external authorities;</li> <li>g. SLT member considers approach to response to complaint if it involves a referral to law enforcement (or similar bodies), including timing and communicating this to the student;</li> <li>h. Resolves the complaint and communicates this in writing to the student advising of the result;</li> <li>i. Provides the student with:             <ul style="list-style-type: none"> <li>▪ Information about how to lodge an internal appeal if they are dissatisfied with the outcome</li> <li>▪ Advice of the option that appeal to an external body also exists if the internal appeal is unsuccessful; and</li> </ul> </li> <li>j. Enters the complaint details in team complaints register (see requirements section under 'record keeping').</li> </ol>	<p>SLT member</p>
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<b>Responding to an email to the complaints email address (Pathway 3)</b>	<p>7. Where a complaint is received through the email address <a href="mailto:complaint@insearch.edu.au">complaint@insearch.edu.au</a>, the complaint is forwarded to the relevant Manager as follows:</p> <ul style="list-style-type: none"> <li>▪ Education-related matters: to the responsible Program Manager</li> <li>▪ Student Services (including Student Centre, Student Administration, and Homestay matters but not facilities) matter: to the Head of Student Services</li> <li>▪ Facilities-related matter: to the Facilities Manager</li> <li>▪ Admission related matters: to the Admissions Manager</li> <li>▪ Enrolment-related matters: to the Registrar</li> </ul>	Executive Assistant to the Dean of Studies
	<p>8. Based on the nature of the complaint, the Manager decides whether to:</p> <ul style="list-style-type: none"> <li>▪ Delegate management of the complaint to a staff member (see Pathway 1);</li> <li>▪ Retain management of the complaint it (see Pathway 2); or</li> <li>▪ Escalate it to an SLT member (see Pathway 3).</li> </ul>	Relevant Manager
<b>OUTCOMES OF THE COMPLAINT</b>		
	<p>9. Complainants will receive written advice of the outcome of their complaint. The outcome will be in keeping with the seriousness of the incident which was the basis of the complaint, and outcomes will be applied consistently across UTS Insearch. Some possible outcomes include:</p> <ul style="list-style-type: none"> <li>▪ Through the resolution process the student gains a better understanding of the situation so that his/her concerns are addressed;</li> <li>▪ A mutually acceptable resolution is reached through conciliation or mediation; or</li> <li>▪ The student receives an apology, and/or the issue or behaviour that was the basis of their complaint is modified;</li> <li>▪ The complaint cannot be substantiated and no further action will result; and/or</li> <li>▪ In serious and substantiated cases, UTS Insearch's formal disciplinary process will be invoked. Formal warnings about</li> </ul>	Staff handling complaint/Manager/SLT

	<p>inappropriate behaviour, counselling, situation monitoring and reporting are common outcomes in the first instance, unless the behaviour is of a very serious nature (for example, involving repeated incidents of inappropriate behaviour or serious breaches of the code of conduct). The most serious breaches may result in exclusion (for students) or dismissal (for staff).</p>	
<b>LODGING AN APPEAL – NON-ACADEMIC MATTERS</b>		
	<p>10. Appeals regarding non-academic matters are forwarded to <a href="mailto:Complaint@Insearch.edu.au">Complaint@Insearch.edu.au</a></p> <p>If a student lodges a complaint and is not satisfied with the resolution of the complaint, they can:</p> <ul style="list-style-type: none"> <li>▪ Appeal to UTS Insearch in the first instance to review its decision (internal appeal). See internal review; and</li> <li>▪ If the internal appeal is unsuccessful, students can appeal to an external body to review UTS Insearch’s handling of the matter (external appeal) See external review.</li> </ul>	<p>Student</p>
<b>LODGING AN APPEAL – ACADEMIC MATTERS</b>		
<b>Academic Integrity</b>	<p>11. Appeals relating to outcomes of Academic Integrity breaches (Academic Dishonesty) must be made in writing to the Dean of Studies via email to <a href="mailto:appeals@insearch.edu.au">appeals@insearch.edu.au</a></p> <ul style="list-style-type: none"> <li>▪ Student will receive confirmation of appeal in writing within 24 hours of receipt of email</li> <li>▪ Student will be notified of outcome of the appeal within 45 days of receipt of appeal</li> </ul>	<p>Student/ Dean of Studies</p>
<b>Assessment tasks</b>	<p>12. Students who consider they have grounds for appeal against a grade for an assessment task conducted during the semester should approach the marker of the assessment task in the first instance within 10 working days of return of the assessable item.</p> <p>The marker will advise the student of the outcome of the appeal within 10 business days.</p> <p>If the student considers their grounds for appeal</p>	<p>Student/Teacher/ Program Manager</p>

	<p>have not been addressed, they can lodge an appeal to the Program Manager who in consultation with the Subject Coordinator will determine the outcome of the appeal and reply in writing within 21 days of the lodgement of the appeal.</p>	
<b>Subject Final grade</b>	<p>13. Students who consider they have grounds for appeal against their final grade in a subject must lodge an appeal-by the specified day advertised on the student extranet. The appeal form and any supporting documentation must be submitted on the advised day; no late appeals are accepted</p> <ul style="list-style-type: none"> <li>▪ Appeals relating to assessment must be made via the appeal form accessible on the Student Extranet and submitted by email to <a href="mailto:appeals@insearch.edu.au">appeals@insearch.edu.au</a> or in person at the Student Centre.</li> <li>▪ Confirmation of receipt of the appeal will be provided to the student</li> <li>▪ Appeals will be reviewed by the Program Manager</li> <li>▪ Students will be advised of the outcome within 10 working days of receipt of the appeal.</li> </ul>	<p>Student/Exams and Progression Coordinator/ Program Manager</p>
<b>INTERNAL REVIEW BY UTS INSEARCH</b>		
<b>UTS Insearch</b>	<p>14. If an appeal to UTS Insearch for review of a decision about a complaint is made, the appeal is considered by the relevant SLT member or the Registrar:</p> <ul style="list-style-type: none"> <li>▪ Dean of Studies – Non-academic matters that relate to Education staff and all Academic matters.</li> <li>▪ Chief Operating Officer – student services and facilities related appeals, non-academic misconduct.</li> <li>▪ Joint panel of Dean of Studies/Chief Operating Officer – enrolment.</li> <li>▪ Registrar – administrative decisions including exam misconduct and release requests.</li> </ul> <p><b>NB:</b> However, where the Dean of Studies or Chief Operating Officer was involved in considering a complaint and would usually be an appeals reviewer of that complaint, another member of the</p>	<p>Dean of Studies/COO/other member of SLT/Registrar</p>

	<p>SLT will replace them as appeals reviewer. This is to remove any apprehension of bias.</p> <p>Where an internal appeal is not upheld the student is advised of external appeal options including contact details and links which are also provided in the Supporting Documents section below.</p>	
<b>EXTERNAL REVIEW</b>		
	<p>15. Where an internal appeal has been unsuccessful students may request a review by an external body:</p> <ul style="list-style-type: none"> <li>▪ NSW Ombudsman (For UTS Foundation Studies students) - considers whether a decision is illegal, unreasonable, unjust or oppressive, improperly discriminatory, based on improper or irrelevant grounds, based on a mistake of law or fact, or otherwise wrong.</li> <li>▪ Overseas Students Ombudsman (For international students enrolled in ELT or Diploma courses) - considers decisions where students believe UTS Insearch may not have followed the rules correctly or treated them fairly (eg, refusing admission to a course, fees and refunds, course or provider transfers, course progress or attendance, cancellation of enrolment, accommodation or work arranged by your provider, incorrect advice given by an education agent.</li> <li>▪ Administrative Appeals Tribunal (AAT) (For domestic students)</li> </ul> <p>Students should be advised that an appeal needs to be lodged within 28 (calendar) days of being informed of the decision.</p>	Student
<b>Timeframes when responding to the decision of an external Appeals Body</b>	<p>16. UTS Insearch will ensure that recommendations impacting on a student who has lodged an appeal are implemented within 5 working days. This includes communicating to the student who lodged the appeal.</p> <p>17. For other decisions (e.g. recommendations of a more general nature), the SLT member of the affected team will liaise with the Company Secretary/CFO to determine a timeframe for</p>	Relevant Manager/SLT member

	implementation as soon as practicable, taking into account impact on other students and risk to UTS Insearch.	
<b>RECORDING COMPLAINTS AND APPEALS</b>		
	<p>18. All complaints and appeals must be recorded in the relevant team's complaint register. The register includes the following:</p> <ul style="list-style-type: none"> <li>▪ I-Records number;</li> <li>▪ date the complaint was received;</li> <li>▪ nature of complaint;</li> <li>▪ complaint received by;</li> <li>▪ expected resolution time;</li> <li>▪ actual resolution time;</li> <li>▪ escalation (if required); and</li> <li>▪ brief summary of resolution.</li> </ul> <p>File all records of complaints in student files (i-Records). Parties to the complaint may request in writing access to these records. These will be dealt with on a case-by-case basis by the relevant SLT member.</p>	Person receiving the complaint/Manager/SLT
<b>MONITORING AND REPORTING</b>		
	<p>19. Prepares a report on all Academic related complaints and appeals since the last report, to be tabled at each Academic Board meeting (3 times a year).</p> <p>20. Prepares a report for the SLT on all Non-academic related Complaints and Appeals items in the register for presentation at the SLT Quarterly Meeting.</p>	Executive Assistant to the Dean of Studies

## DEFINITIONS

Academic Dishonesty	Academic Dishonesty is a breach of Academic Integrity where a student seeks to gain either for themselves or for another student an unfair or unjustified academic advantage in an assessment task. Academic Dishonesty includes cheating, collusion, fabrication, ghost writing, misrepresentation, plagiarism and solicitation, not abiding by examination rules, submitting work that is not original, acting to gain unfair advantage in relation to an assessment task or tasks. Academic Dishonesty may be unintentional, or intentional, minor or extreme and have occurred carelessly or knowingly.
Academic Integrity	A commitment, even in the face of adversity, to acting with the fundamental value of honesty, trust, fairness, respect, responsibility, and courage. (International Centre for Academic Integrity, 2014)
Academic Matters	Includes those matters which relate to student progress, assessment tasks, curriculum and awards in a course of study
Affiliates	Insearch Limited Board members, honorary appointees, contractors, labour hire personnel, volunteers, agency staff and any other person appointed or engaged by UTS Insearch to perform work or functions for UTS Insearch.
Appeal	A written request for review of a decision by UTS Insearch about a complaint.
Assessment task	A specific activity a student (or group of students) is required to complete for the purpose of assessment.
Channel Partner	An organisation involved in a contractual relationship with UTS Insearch in recruiting students to study at UTS Insearch.
Complainant	The person lodging the complaint.
Complaint	Any expression of dissatisfaction made to UTS Insearch where a response is expected about anything related to our purpose of providing high quality education.
Day	Any reference to day means 'business day' (unless otherwise explicitly stated).

Dean of Studies	Is the head of the Education Department and has authority over the educational courses and programs offered by UTS Insearch
Difficult or sensitive issue	Complaints that are more complex, sensitive or of a more serious nature. These types of complaints generally relate to non-academic education matters, enrolment or behaviour and need to be managed formally.
Director of Studies	Is the person responsible for the management of the English Language Programs.
Factual errors	<p>Mark omission / Missing assessment task results: An assessment item or completed exam but the marks do not appear on a student record</p> <p>Incorrect assessment task results recorded: An assessment item or completed exam but the marks on a student record are different from the marks advised by a teacher/subject coordinator.</p>
Exam and Progression Coordinator	Is the person responsible for the administering of exams, publication of final grades and qualifications.
ELT	English Language Teaching.
Frontline Managers	Registrar, Program Managers, Associate Dean of Studies, Associate Dean ELT, Director of Studies ELT, Associate Director of Studies ELT, Admissions Manager and Head of Student Services.
Grade	A grade is awarded to an assessment item to recognise the level of academic achievement the student has demonstrated. Grades include High Distinction, Distinction, Credit, Pass or Fail.
i-Records	In this document UTS Insearch's electronic student filing system.
Lodge	To submit a written complaint or appeal.
Non-Academic Matters	Includes those matters which do not relate to student progress, assessment tasks, curriculum, and awards in a course of study and includes complaints in relation to personal information that the provider holds in relation to the student

Program Manager	Is the person responsible for the management of a particular Diploma Program or UTS Foundation Studies.
Procedural error	Students were not notified of an assessment task within a reasonable period before the due date.
Representative	A person who accompanies a party to a dispute resolution meeting (eg, a carer/family member, or friend). Representatives must be over the age of 18.
Respondent	The person against whom the complaint has been made.
Routine matter	Complaints that are simple and relate to a routine matter or minor issue. These generally relate to services and facilities on campus. Routine issues can generally be resolved informally.
Senior Leadership Team (SLT)	Managing Director, Dean of Studies, Chief Operating Officer, Chief Financial Officer/Company Secretary, Chief Market Development Officer, Chief Business Development Officer, Human Resources Director.
Staff	People employed to work on a full-time, part-time, sessional or casual basis under the terms and conditions of an employment agreement (contract) issued by UTS Insearch.
Teacher	The Staff and Affiliates responsible for the delivery of either the English or Academic courses at UTS Insearch.
UTS Direct Student	Any student under 18 years of age who gains direct entry to UTS or completes a UTS Insearch course offered offshore by a UTS Insearch partner institution.
UTS Insearch	UTS Insearch Limited, its representative offices and its controlled entities.

## SUPPORTING DOCUMENTS:

- Student Complaints and Appeals Policy
- Student Complaint Form
- Assessment Policy
- Academic Integrity Policy
- Privacy Act 1988 (Cth)
- Privacy and Personal Information Protection Act 1988 (NSW)
- Education Services for Overseas Students Act 2000
- The National Code 2018
- Code of Ethics
- Staff Code of Conduct
- Harassment, Bullying and Discrimination Policy
- Non-academic Misconduct Policy and Procedure
- Privacy Policy
- Public Interest Disclosure Policy
- Whistle-Blowing Protection Policy
- Overseas Students Ombudsman (OSO) – <https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=oco-complaint-form>
- NSW Ombudsman – <https://www.ombo.nsw.gov.au/complaints/complaint-form>
- Administrative Appeals Tribunal (AAT) – <http://www.aat.gov.au/resources/forms>

## ADMIN USE ONLY

APPROVAL	
Signature:	
Name: Sally Chatterjee	COO
Date: 11 April 2019	
Procedure Title	Student Complaints and Appeals Procedure
Senior Leader	COO
Manager	Registrar
Procedure ID	PR/OPS/03/19
Effective Date:	11 April 2019