

## Student Complaints and Appeals Policy

### POLICY 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.

### SCOPE

Complaints and appeals about non-academic and academic matters are covered by this policy and the associated procedure. This policy applies to prospective and current students.

UTS Insearch will respond to any complaint or appeal a student (whether international or domestic) makes regarding his or her dealings with UTS Insearch, UTS Insearch's education agents or any related party UTS Insearch has an arrangement with to deliver the student's course or related services.

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 complaints to UTS where appropriate.

### Non-academic matters

Complaints and appeals about non-academic matters primarily fall into the following categories. Complaints about:

- Student services (including facilities and Homestay)
- Non-academic education-related matters
- Administrative decisions (e.g. enrolment, mid-course fee increases)
- UTS Insearch staff (including affiliated bodies such as Channel Partners)
- People external to UTS Insearch that students interact with as part of an approved external program of study (e.g. excursions or field trips)
- Visitors to UTS Insearch
- Other students.

A complaint may arise from a matter/incident that occurs on or off-campus.

## Academic matters

Appeals about academic matters fall into the following categories:

- **Academic integrity**  
Appeal a decision regarding a breach of Academic Integrity.  
  
When a student attempts to cheat, plagiarise or otherwise act dishonestly in undertaking an assessment task (or assisting other students to do so); or engaging in any other improper academic conduct as deemed by the Dean of Studies they will be penalised for breaching academic integrity (Academic Dishonesty).
- **Assessment tasks**  
Appeal a grade for an assessment task or final grade for a subject. Appeals can only be made on the grounds of procedural or factual errors including the application of special consideration.

For further details on Academic Integrity and Assessment tasks refer to the below policies:

- Academic Integrity Policy
- Assessment Policy

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 appeals process.

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

## POLICY PRINCIPLES

Principle	Responsible
<b>VALUES</b>	
1. UTS Insearch seeks to ensure that all actions under this Policy: <ol style="list-style-type: none"> <li>a. are based on values consistent with the UTS Insearch Code of Ethics</li> <li>b. are underpinned by principles of mutual respect and procedural fairness</li> <li>c. meet regulatory requirements and are aligned with the NSW and Commonwealth Ombudsmans' guidance advisories.</li> </ol>	SLT

Principle	Responsible
2. Parties to a complaint have the right to be: <ol style="list-style-type: none"> <li>a. heard</li> <li>b. treated in an unbiased manner<sup>1</sup></li> <li>c. informed of any complaint made which relates to them</li> <li>d. provided with an opportunity to respond to any complaint about them</li> <li>e. informed about the status of any complaint involving them.</li> </ol>	Staff/Affiliates or committee investigating the complaint
3. A person or committee investigating a complaint or appeal will do so as expeditiously as possible, consistent with the need to act fairly and follow due process.	Staff/Affiliates or committee investigating the complaint or appeal
4. A student's enrolment must be maintained during the course of the complaint resolution or appeal process unless the student chooses to withdraw or completes their study program.	Staff/Affiliates or committee investigating the complaint or appeal
5. UTS Insearch will take all reasonable steps to prevent students suffering any disadvantage (including through victimisation) as a result of lodging a complaint or appeal.	Staff/Affiliates or committee investigating the complaint or appeal
6. A person or committee managing a complaint or appeal will maintain confidentiality by not discussing the complaint with more people than needed to address the complaint (noting that the complainant will be identified to the person they are complaining about unless the facts of the complaint are not in dispute).	Staff/Affiliates or committee investigating the complaint or appeal
7. Resolution of the complaint will usually take into account the complainant's preferred process of resolution. However, there may be instances where a complaint is of such a serious nature that action beyond the wishes of the complainant is required (e.g. when a complaint raises or relates to allegations of unlawful behaviour or corruption, or when UTS Insearch's duty of care to staff or students may be compromised if no action is taken).	Staff/Affiliates or committee investigating the complaint / SLT

<sup>1</sup> This includes a Staff member/Affiliate not investigating or managing a complaint where they have an actual or perceived conflict of interest.

Principle	Responsible
8. Anonymous complaints will generally only be acted upon where the matter is relatively serious and where there is sufficient information to enable an investigation to be conducted.	Staff/Affiliates or committee investigating the complaint/ SLT
9. To preserve impartiality in decision-making, where the Dean of Studies or Chief Operating Officer has assisted in the initial investigation of a complaint or appeal, they will not be party to any appeals review. Another member of the SLT will act in their stead.	SLT
<b>COMPLAINTS MANAGEMENT – NON-ACADEMIC MATTERS</b>	
10. Complaints can be made: <ul style="list-style-type: none"> <li>▪ Verbally to a Staff member or Affiliate</li> <li>▪ or in writing to <a href="mailto:complaint@insearch.edu.au">complaint@insearch.edu.au</a></li> </ul>	All Staff and Affiliates
11. Complaints are recorded by each operational area for complaints received directly by those areas and consolidated into a central complaints register maintained by the Executive Assistant to Dean of Studies.	Staff/Affiliates dealing with complaints, Executive Assistant to Dean of Studies
12. Where possible: <ul style="list-style-type: none"> <li>▪ complaints made directly to a Staff member/Affiliate are resolved by that Staff member/Affiliate.</li> <li>▪ Complaints received through <a href="mailto:complaint@insearch.edu.au">complaint@insearch.edu.au</a> are referred to the appropriate area for management.</li> </ul> <p>UTS Insearch recognises that more serious complaints should be addressed at a more senior level (e.g. relating to unlawful conduct, or complaints that could lead to a finding of misconduct or disciplinary action being taken).</p> <p>Complaints about a Staff member/Affiliate cannot be managed by the Staff member/Affiliate or a peer team member.</p>	All Staff/Affiliates

Principle	Responsible
<p>13. UTS Insearch has a three-tier complaint model to ensure that complaints are responded to in a timely and efficient manner at the lowest level required for the particular complaint:</p> <ul style="list-style-type: none"> <li>a. Complaints that can be addressed by frontline Staff/Affiliates</li> <li>b. Complaints need to be escalated to Frontline Managers by frontline Staff/Affiliates:               <ul style="list-style-type: none"> <li>i. If the complainant requests that a more senior person address the complaint</li> <li>ii. If the complaint is about the person receiving the complaint or a fellow team member</li> <li>iii. If the complaint involves an allegation of a criminal offence having been committed, corruption, serious or controversial conduct</li> <li>iv. If the complainant has engaged legal representation</li> <li>v. If the complaint cannot be resolved within 5 working days of being lodged</li> </ul> </li> <li>c. Internal appeal reviews by the SLT where the complainant does not consider that the complaint has been addressed</li> </ul>	<p>All Staff/Affiliates</p> <p>Frontline Managers</p> <p>SLT</p>
<p>14. Where a complaint involves investigation and response by multiple teams, the responsible managers will assess and agree on who will be responsible for coordinating and communicating the response to the complainant. While each situation will be different, the general principle is that the team with the most significant component of the complaint will manage the complaint.</p>	<p>Managers</p>
<p>15. Where a complaint cannot be resolved to the complainant's satisfaction through UTS Insearch's internal processes, the complainant can seek an independent external review as outlined in Appendix A to this policy.</p>	<p>Student</p>

<b>APPEALS MANAGEMENT – NON-ACADEMIC MATTERS</b>	
<p>16. Internal Review Appeals to review a decision made by UTS Insearch must be made in writing to <a href="mailto:complaint@insearch.edu.au">complaint@insearch.edu.au</a></p> <p>17. External Review Appeals against the review of a UTS Insearch decision can be directed to an external agency. The external agency will differ dependant on student enrolment status and are outlined in the Appendices to this policy.</p>	Student
<b>APPEALS MANAGEMENT – ACADEMIC MATTERS</b>	
<p>18. Appeals relating to Academic Integrity breaches can only be made on one or more of the following grounds:</p> <ul style="list-style-type: none"> <li>(a) the finding of misconduct is unreasonable or cannot be supported, having regard to the relevant evidence;</li> <li>(b) the finding of misconduct was:             <ul style="list-style-type: none"> <li>(i) made contrary to the requirements of procedural fairness;</li> <li>(ii) made contrary to a material requirement of the policy;</li> <li>(iii) based on a material misunderstanding of the meaning or effect of a provision of the policy;</li> <li>(iv) based on a material mistake as to the facts;</li> </ul> </li> <li>(c) new evidence has become available to the student or former student, being evidence that:             <ul style="list-style-type: none"> <li>(i) is relevant;</li> <li>(ii) was not available or known to the student or former student at the time of responding to the allegation; and</li> <li>(iii) could reasonably be expected to affect the finding of misconduct or the penalty imposed;</li> </ul> </li> <li>(d) the penalty to be imposed on the student or former student is excessive or inappropriate.</li> </ul>	Student, Dean of Studies
<p>19. Appeals relating to outcomes of Academic Integrity breaches (Academic Dishonesty) must be made in writing to the Dean of Studies at <a href="mailto:appeals@insearch.edu.au">appeals@insearch.edu.au</a></p>	Dean of Studies
<p>20. Appeals against assessment tasks should be directed to the Teacher/Subject Coordinator of the course. This can be done verbally or in writing via email to the Teacher/Subject Coordinator.</p>	Student, Teacher, Subject Coordinator

<p>21. Appeals relating to final grades can only be made if factual or procedural errors have occurred on one or more of the following criteria:</p> <p>a) Assessment task requirements for the subject were not outlined in the subject outline and or assessment task brief and made available at the beginning of the semester or for a reasonable period prior to the due date of the assessment task.</p> <p>b) The student believes a mistake has been made in calculating the grade for the assessment task. An appeal under this criterion is addressed through a check to ensure that no part of the student's performance has been overlooked and is limited to:</p> <ol style="list-style-type: none"> <li>i. all assessment tasks submitted have been received and graded</li> <li>ii. the cumulative grade granted for assessment tasks;</li> <li>iii. calculation of the final assessment grade;</li> <li>iv. that the grades for all assessment tasks have been included and correctly weighted.</li> </ol> <p>c) Special consideration was granted but not applied in a manner that supported the student.</p> <p>Appeals relating to assessment tasks must be made via the appeal form accessible on the Student Extranet. The Student Extranet outlines dates for submission. Forms must be submitted by email to <a href="mailto:appeals@insearch.edu.au">appeals@insearch.edu.au</a> or in person at the Student Centre.</p> <p>Students will be advised in writing that their appeal has been received and notified of the outcome within 10 working days of receipt of the appeal.</p>	<p>Student, Exams and Progression Coordinator, Program Manager, Director of Studies</p>
<p>22. Appeals against the review of a UTS Insearch decision on academic matters can be directed to an external agency. The external agency will differ dependant on student enrolment status and are outlined in the Appendices this policy.</p>	<p>Student</p>

<b>EXTERNAL REVIEW</b>	
<p>23. When responding to an internal appeal, where the appeal is not upheld, the name and contact details of the nominated external appeals body will be provided to the student.</p> <p>The table in Appendix A provides information on each tier and Staff/Affiliates involved in non-academic complaints. See Appendix A</p> <p>The table in Appendix B provides information on Staff/Affiliates involved in appeals for academic matters. See Appendix B</p>	<p>Staff/Affiliates dealing with complaints and appeals</p>
<b>RECORD KEEPING</b>	
<p>24. Appeals registers are kept in each operational area for appeals received directly by those areas, and by the Exam and Progression Coordinator for appeals received at <a href="mailto:appeals@insearch.edu.au">appeals@insearch.edu.au</a>.</p>	<p>Staff/Affiliates dealing with complaints and appeals</p>

## 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.
Agents	Otherwise referred to as Education Agents, Channel Partners (CPs) or Partners
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.
Dean of Studies	Is the head of the Education Department and has authority over the educational courses and programs offered by UTS Insearch.
Director of Studies	Is the person responsible for the management of the English Language Programs.
ELT	English Language Teaching
Exam and Progression Coordinator	Is the person responsible for the administering of exams, publication of final grades and qualifications.
Factual errors	Mark omission / Missing assessment task results: An assessment item or completed exam but the marks do not appear on a student record. 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.
Final Grade	A final grade is awarded for a subject to recognise the cumulative level of academic achievement the student has demonstrated across all assessment tasks in the subject. Grades include High Distinction, Distinction, Credit, Pass or Fail.
Frontline Managers	Registrar, Program Managers, Associate Dean of Studies, Director of Studies – ELT, 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.
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.
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.
Subject Coordinator / Level Leader	The staff member responsible for coordinating all classes in a given subject or English Level.
Staff	People employed to work on an ongoing, fixed term, 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 (or UTS Foundation Studies) offered transnationally by UTS Insearch or by a UTS Insearch partner institution.
UTS Insearch	UTS Insearch Limited, its representative offices and its controlled entities.

## SUPPORTING DOCUMENTS

- Privacy Act 1988 (Cth)
- Privacy and Personal Information Protection Act 1988 (NSW)
- Education Services for Overseas Students Act 2000
- The National Code 2018
- Higher Education Act 2003
- Higher Education Guidelines 2012
- 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
- Student Complaints and Appeals Management Procedure
- Assessment Policy
- Academic Integrity 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>

APPROVAL		
Signature:		
Position title:	<b>Chair of the Academic Board</b>	<b>Date: 08/08/2019</b>
Policy Title	Student Complaints and Appeals Policy	
Senior Leader	Chief Operating Officer	
Manager	Registrar	
Policy ID	PO/OPS/03/19	
Effective Date	08/08/2019	
<b>Endorsed by</b>	<b>SLT</b>	<b>Date: 30/07/2019</b>
<b>Approved by</b>	<b>Academic Board</b>	<b>Date:08/08/2019</b>

**Appendix A**
**NON-ACADEMIC**

	Tier 1	Tier 2	Tier 3	External review (independent process)
Function	Complaints management for routine matters	Management of more difficult, sensitive, and time-consuming complaints OR management of complaints referred as part of the complaints escalation process	Internal Appeal (review of a UTS Insearch decision on a complaint)	Considers student complaints about UTS Insearch decisions
People involved	Frontline Staff and Affiliates	Program Managers, Associate Dean of Studies, Director of Studies – ELT, Registrar, Head of Student Services	Senior Leadership Team	Administrative Appeals Tribunal (domestic students) Overseas Students Ombudsman (international students) NSW Ombudsman (Foundation Studies students)

**Appendix B**
**ACADEMIC**

Academic Integrity			
Function	Appeals against the outcome of Academic Integrity matter	External appeal	
People involved	Dean of Studies	Administrative Appeals Tribunal (domestic students) Overseas Students Ombudsman (international students) NSW Ombudsman (Foundation Studies students)	
Assessment Tasks			
Function	Appeals against an assessment task/grade	Appeal against a subject final grade	External appeal
People involved	Teacher/subject coordinator	Program Managers, Director of Studies – ELT	Administrative Appeals Tribunal (domestic students) Overseas Students Ombudsman (international students) NSW Ombudsman (Foundation Studies students)