

Student Complaints and Appeals Policy

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Purpose

Access to an effective system of complaints and appeals for students is crucial to the operation of Sydney Institute of Higher Education (SI) as a higher education provider. Such a system aids in resolving disputes and is key to the continual improvement of SI systems and processes.

Student Complaints and Appeals Policy establishes the mechanisms by which SI will handle student complaints and appeals. It outlines the rights and responsibilities of students, the process for making appeals, and the process of making a complaint.

The intention of this document is to ensure that:

1. Concerns are addressed in a timely, confidential and sensitive manner, in accordance with relevant SI governing documents and principles of procedural fairness;
2. Concerns are resolved wherever possible by discussion, mediation and/or conciliation and at the local level in the first instance;
3. Procedures are clear, consistent and transparent;
4. All reasonable steps are taken to ensure confidentiality for all parties; and
5. Appropriate records are maintained throughout the complaints and appeals processes.

Scope

This policy applies to all students who have contact with SI or SI's education agents, including potential students, program applicants, current students, and graduates. Additionally, it applies to any positions and bodies involved in handling student complaints and appeals.

This policy will cover:

2. Complaints concerning **academic matters** are covered by **section 2**.
3. Complaints concerning **administrative matters** are covered by **section 3**.
4. Complaints concerning **conduct** are covered by **section 4**.
5. **Appeals** from these complaints will follow the process outlined in **section 5**.
6. Complaints concerning **student academic misconduct** are covered by the Academic Integrity Policy
7. Complaints related to intellectual property

8. Complaints regarding a breach of privacy
9. Complaints related to fraud, corruption, maladministration or serious and substantial waste of public money including money laundering concerns.

Section 1 - Principles

All students have the right to make complaints and appeal decisions made by SI or SI employees or SI's education agents. Complaints may be lodged free of charge to the student.

Complaints and appeals may be submitted regarding any aspect of SI operations, including aspects provided by a third party, agent, related party, contractor or SI's education agents.

SI must facilitate access to channels of complaint and appeal for all students, including those with special needs. Additionally, SI must make specific efforts to ensure that under-represented and/or disadvantaged groups have a full understanding of the process, such as:

- Aboriginal and Torres Strait Islander students
- Students who are part or full-time carers
- Students with disabilities
- Students experiencing mental or physical health concerns including domestic violence
- Mature-age students
- Students who are single parents
- International students
- Students for whom English is a second language.

Complaints may be lodged with external agencies at any time, subject to the procedures of the particular organisation. It should be noted that students may be required to follow the relevant SI policy or procedures before the external agency will accept the complaint. Examples of external organisations include:

1. Office of the NSW Ombudsman;
2. Commonwealth Ombudsman (for International Students only);
3. NSW Anti Discrimination Commission;
4. Office of the Commissioner for Public Interest Disclosures (Whistleblowers Protection); and
5. Australian Human Rights Commission.

Individuals covered by this policy may also elect to contact (if relevant) the NSW Ombudsman, Fair Work Commission, Australian Human Rights Commission, NSW Anti-Discrimination Board, WorkSafe NSW or their student representative to obtain advice or assistance in making a complaint, or to make an external complaint.

Where a complaint about a student alleges conduct that might, if proven:

- (a) constitute misconduct;
- (b) involve possible criminal behaviour; or
- (c) involve risk to others;

the Complaints Management Unit must refer the complaint (to the Provost for handling in accordance with the *SI Misconduct Policy* or, if appropriate, to the SI Legal Counsel for consideration of whether the matter should be referred to the police.

The Complaints Management Unit may decide not to refer a complaint of sexual assault or sexual harassment to the Provost for handling if the complainant objects to the referral.

Lodging a complaint under these procedures is a serious matter with potentially serious consequences for those involved. Students who use this procedure to make frivolous or vexatious complaints, or who lie or deliberately mislead in connection with a grievance, may be considered to have committed misconduct and may be subject to disciplinary procedures in accordance with the *SI Misconduct Policy*.

Victimisation of the complainant, the respondent or any other person with a legitimate involvement in the grievance procedure is not acceptable and any person/s who participates in or aids victimisation may be considered to have committed misconduct or serious misconduct and may be subject to disciplinary procedures.

Matters involving possible criminal conduct

If in considering any appeal or complaint SI becomes aware that a matter involves possible criminal conduct, the person so aware must seek advice from SI's Legal Counsel as soon possible, notifying the President of their concern, and take no further steps until the advice is received. Conduct will be referred to the police if:

- it could, if proven, amount to a serious indictable offence; or
- SI Legal Counsel determines that referral to the police is required.

If a matter is being considered by the police, the President and SI Legal Counsel are responsible for liaison with the police and will determine the extent to which any SI resolution process or investigation can proceed.

The timeframes for Complaints and Appeals

SI will address complaints and appeals in a timely manner. SI's appeal and complaint resolution process should commence within 10 working days of a complaint or appeal being lodged.

Timeframes to complete each stage of the process are listed below in each relevant section below.

Student Responsibilities

Students making a complaint or appeal must:

- Ensure that the information they provide is true and accurate
- Read and understand all information provided by SI
- Ensure that they regularly check their emails for updates
- Fully cooperate with all stages of the process

- Take note of any important dates and timeframes.

SI Responsibilities

SI is committed to dealing with complaints or appeals by students in accordance with the principles of procedural fairness, including the rights of students to:

- a. have a reasonable opportunity to state or respond to the complaint orally and in writing, and to provide any documents relevant to the complaint
- b. be informed of the responses to complaints or appeals against them in sufficient detail to enable them to understand the precise nature of the response and properly to consider and respond to them
- c. have a reasonable period of time within which to respond or prepare appeals or complaints
- d. have the matter resolved in a timely manner, (timeframes are listed in each section below)
- e. be informed of their rights under this policy
- f. invite a support person or student representative to any meeting
- g. be treated impartially in any enquiry or investigation process
- h. and be treated with an absence of bias by the decision-maker
- i. transparency in the resolution process will be provided through informing the parties to a complaint:
 - if an investigation is to be conducted;
 - who is conducting the investigation;
 - how the issue will be investigated (e.g. interviews with the parties and any witnesses, viewing documentary evidence);
 - to whom any records of statements or interviews are to be disclosed;
 - who can be present at interviews;
 - whether parties can refuse to participate;
 - how the parties will be kept informed throughout the investigation or resolution and what information will be provided;
 - that they have an opportunity to seek independent advice and have a support person to support them through the process;
 - the expected timeframes of the investigation or resolution; and
 - what interim measures will be taken to ensure the health and safety of the parties during the investigation or determination?

Confidentiality will be maintained throughout the process. The identity of a complainant or appellant, information collected and any report or outcome should not be disclosed, except in the following circumstances where information may be disclosed:

- to ensure safety or wellbeing,
- to allow a response to be obtained,
- to prepare a report or letter, to
- to support people,
- to respond to enquiries,
- to inform the appellant or complainant of the outcome, and
- to allow the implementation of any actions required following resolution of the complaint or

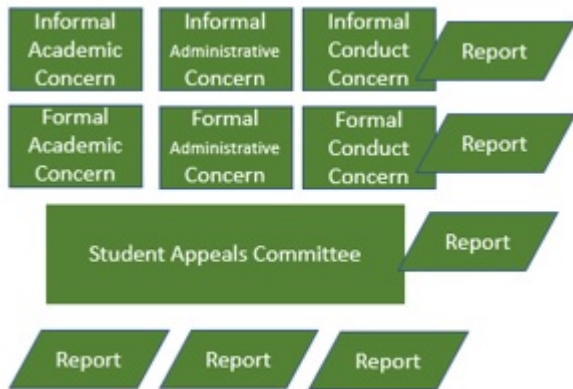
determination of the appeal.

- SI may disclose the information if required to do so under the *Government Information (Public Access) Act 2009 (NSW)* or pursuant to any other legal or regulatory requirements.

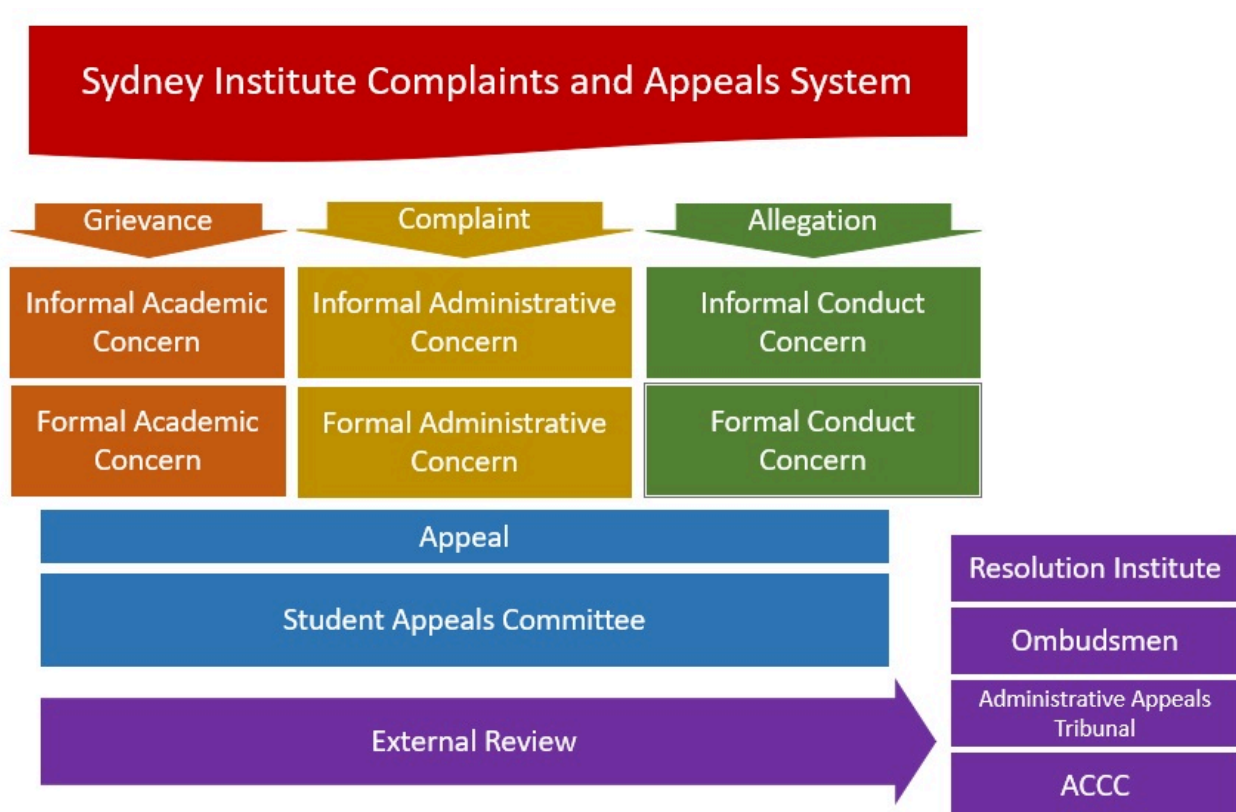
SI must give complainants or appellants a written statement of the outcome of their complaint or appeal, including:

- reasons for the outcome; and
- details of any rights to access an appeals process.

SI Student Complaints and Appeals Process



SI Student Complaints and Appeals System



Section 2 - Complaints concerning academic matters - grievances

This section governs student complaints against academic decisions. For clarity, a complaint regarding an academic decision will be termed 'a grievance'.

1. SI will handle all student concerns and grievances regarding Academic Decisions in a procedurally fair and reasonable manner, having regard to the principles of timeliness, confidentiality, privacy, absence of bias and freedom from victimisation.
2. Students may not grieve against Academic Decisions on the grounds that they believe that the Academic Decision was made in a manner that was inconsistent with the Assessment Principles; or that are made in the absolute discretion of the decision-maker.
3. SI has established a three-stage process for grievances.
 - a. Informal resolution
 - b. Formal resolution
 - c. Appeal to the Student Appeals Committee
4. A student who believes that there are genuine grounds for contesting an Academic Decision should first discuss his or her concerns with the relevant teacher or unit of study coordinator.
5. Students are encouraged to take the earliest opportunity to discuss their concerns with relevant academic staff. This must occur within:
 1. 15 working days of the Student being advised of the Academic Decision;

2. in the case of Academic Decisions relating to the completion of a unit of study, within 15 working days of the unit of study result being posted by SI; or
 3. such other extended time as the Dean may reasonably authorise.
6. Students must initiate contact using the informal grievance form located on the SI Website. Students must complete the first page of the form and submit the form. The relevant academic staff member will respond to the grievance in writing on the form, informing the student of the preliminary decision.
 7. Where the student is satisfied with the preliminary response, the student will indicate so on the form within ten (10) working days. Where the student is not satisfied with the preliminary response, the student must contact the academic member involved and seek a mutually satisfactory resolution to the concern through a discussion between the student and the academic staff member/s directly involved. This discussion may be face-to-face, by telephone or via email or other mode of communication.
 8. Following the discussion, the academic staff member/s will record the decision reached, with a full explanation of the reasons for the decision, on the informal grievance form and lodge it with the Complaints Management Unit which will send the completed informal grievance form to the student concerned within ten (10) working days.
 9. Either party may seek guidance from a Complaints Officer on how to express their concern or record actions and decision taken.
 10. The informal grievance form will advise students of this policy and of the next steps to take should the student believe that their concerns have not been resolved through the informal grievance process.
 11. If the Student's concerns cannot be resolved under clauses 13 - 18 above, the student may formally grieve their concerns to the Program Director.
 12. Students must submit their formal grievance, including any supporting documentation using the formal grievance form located on the SI website. In order to allow a comprehensive assessment of the grievance, the student should provide all supporting documentation. While support, guidance and advice on this process may be sought from a Complaints Officer, students are expected to produce their own documentation relating to grievances.
 13. Students must submit the completed formal grievance within 20 working days of the date on which he or she was advised of the outcome of discussions under clause 9, or such other extended time as the Dean may reasonably authorise, in his or her absolute discretion.
 14. The Program Director or nominee will consider the grievance, investigate as necessary and reach a decision concerning the grievance. Relevant information from other sources may be included in the investigation. In cases where the grievance involves the Program Director or nominee, the grievance will be referred to the Dean.
 15. The Program Director or nominee will provide the student with a formal written decision on the formal grievance, including the basis for the decision, within ten (10) working days of having been notified of the formal grievance. The Program Director or nominee must advise the Student in writing of the Program Director's decision and the reasons for the decision; advise the Student of his or her right to appeal to the Student Appeals Committee; and give the Student a copy of this Policy or advise the Student how to access this Policy online;
 16. If a decision cannot be reached within ten (10) working days, SI will provide the student with written notice of the steps being taken to investigate and resolve the complaint and an estimate of the time required until a decision can be provided. Where additional time is required, the Provost will monitor the investigation, ensuring that the student is apprised in

writing of progress and provided with a formal written decision including the basis for the decision as soon as possible.

17. A copy of all communication will be sent to SI.
18. If a student is not satisfied with the outcome of the formal grievance, and/or additional evidence is available, the student may appeal to the Student Appeals Committee on the grounds that due academic process has not been observed in relation to the academic decision.
19. The students should follow the process outlined in section 5 for appeals to the Student Appeals Committee.

Section 3 Complaints concerning administrative matters - complaints

This section governs student complaints against administrative decisions. For clarity, a complaint regarding an administrative decision will be termed 'a complaint'.

1. SI will handle all student concerns and grievances regarding Administrative Decisions in a procedurally fair and reasonable manner, having regard to the principles of timeliness, confidentiality, absence of bias and freedom from victimisation.
2. Students may not complain against Administrative Decisions that are made in the absolute discretion of the decision maker.
3. SI has established a three stage process for complaints.
 - a. Informal resolution
 - b. Formal resolution
 - c. Appeal to the Student Appeals Committee
4. A student who believes that there are genuine grounds for contesting an Administrative Decision should first discuss his or her concerns with the relevant academic or professional staff member.
5. Students are encouraged to take the earliest opportunity to discuss their concerns with relevant academic staff. This must occur within:
 - a. 15 working days of the Student being advised of the Administrative Decision;
 - b. in the case of Administrative Decisions relating to completion of a unit of study, within 15 working days of the unit of study result being posted by SI; or
 - c. such other extended time as the Dean may reasonably authorise.
6. Students must initiate contact using the informal complaint form located on the SI Website. Student must complete the first page of the form and submit the form. The relevant academic or professional staff member will respond to the grievance in writing on the form provided, informing the student of the preliminary decision.
7. Where the student is satisfied with the preliminary response, the student will indicate so on the form and provide to SI's academic or professional staff member within ten (10) working days. Where the student is not satisfied with the preliminary response, the student will contact the academic or professional staff member involved within ten (10) working days and seek a mutually satisfactory resolution to the concern through a discussion between the student and the staff member/s directly involved. This discussion may be face-to-face, by telephone or via email or other mode of communication.
8. Following the discussion, the academic or professional staff member/s will record the decision

reached, with a full explanation of the reasons for the decision, on the informal complaint form and lodge it with the Complaints Management Unit which will send the completed informal complaint form to the student concerned within ten (10) working days.

9. Either party may seek guidance from a Complaints Officer on how to express their concern or record actions and decision taken.
10. The informal complaint form will link the students to the Student Complaints and Appeals policy and detail the next steps to take should the student believe that their concerns have not been resolved through the informal complaint process.
11. If the Student's concerns cannot be resolved under clauses 4-9 above, the student may formally complain their concerns to the Complaints Management Unit.
12. A student must submit their formal complaint, including any supporting documentation using the formal complaint form located on the SI website. In order to allow a assessment of the complaint, the student should provide all supporting documentation. While support, guidance and advice on this process may be sought from a Complaints Officer, students are expected to produce their own documentation relating to grievances.
13. Students must submit the completed formal complaint within 20 working days of the date on which he or she was advised of the outcome of discussions under clause 9 of this section, or such other extended time as the Dean may reasonably authorise, in his or her absolute discretion.
14. The Complaints Management Unit will record the complaint and forward it to the appropriate Senior Manager for consideration and action. In cases where the complaint involves the Senior Manager, the complaint will be referred to the Senior Executive who is the line manager for the relevant Senior Manager.
15. The Senior Manager (or Senior Executive) will undertake a review of the complaint, investigate as necessary and reach a decision concerning the grievance. Relevant information from other sources may be included in the investigation.
16. The Senior Manager (or Senior Executive) will provide the student with a formal written decision on the formal grievance, including the basis for the decision, within ten (10) working days of having been notified of the formal complaint. The Senior Manager (or Senior Executive) must advise the Student of his or her right to appeal to the Student Appeals Committee; and give the Student a copy of this Policy or advise the Student how to access this Policy online;
17. If a decision cannot be reached within ten (10) working days, the Senior Manager (or Senior Executive) will provide the student with written notice of the steps being taken to investigate and resolve the complaint and an estimate of the time required until a decision can be provided. Where additional time is required, the Provost will monitor the investigation, ensuring that the student is appraised in writing of progress and provided with a formal written decision including the basis for the decision as soon as possible.
18. A copy of all communication will be sent to SI.
19. If the student believes that procedural fairness has not been followed in any inquiry related to the complaint and/or additional evidence is available and/or that the decision has been unjust given the circumstances in which the incident occurred, an appeal may be lodged following the process outlined in section 5.

Section 4 Complaints concerning conduct matters - Allegations

This section governs student allegations against unsatisfactory conduct. For clarity, a student concern regarding unsatisfactory conduct will be termed 'an allegation'.

1. SI will handle all student concerns and allegations regarding unsatisfactory conduct in a procedurally fair and reasonable manner, having regard to the principles of timeliness, confidentiality, absence of bias and freedom from victimisation.
2. SI has established a three stage process for allegations.
 - a. Informal resolution
 - b. Formal resolution
 - c. Appeal to the Student Appeals Committee
3. Wherever possible, SI encourages allegations to be resolved informally, locally, and in a timely manner. Delay may adversely affect the capacity of the allegation to be satisfactorily resolved.
4. The complainant is encouraged to discuss the allegation with a support person at the earliest possible time with a view to:
 1. Assessing whether a genuine allegation exists;
 2. Gathering relevant information and evidence available and preparing a clear statement of the nature of the allegation;
 3. Assessing the most appropriate means of resolution, which may be via discussion, or arranging mediation or conciliation; and
 4. Canvassing mutually agreeable outcomes.
5. The Complaints Officer from the Complaints Management Unit is available for guidance during any stage of this grievance procedure.
6. Subject to the clause below, the student is expected, initially, to seek to resolve the allegation directly with the respondent or by approach to the relevant Program Director. If the complainant wishes, he or she can involve his or her support person in this process.
7. Notwithstanding the above, if the allegation is of a "serious nature" as defined in this document, the student, whether with or without a support person, is not required to seek to resolve the allegation directly with the respondent personally, although he or she may choose to do so. Where the allegation is of a "serious nature", he or she may proceed to Step 2 and lodge a formal allegation.
8. Students are encouraged to take the earliest opportunity to discuss their concerns with relevant student, academic or professional staff.
9. Students must initiate contact using the informal allegation form located on the SI Website. Student must complete the first page of the form and submit the form. The relevant student, academic or professional staff will respond to the allegation in writing on the form, informing the student of the preliminary response.
10. Where the student is satisfied with the preliminary response, the student will indicate so on the form within ten (10) working days). Where the student is not satisfied with the preliminary response, the student will contact the student, academic or professional staff member involved within ten (10) working days to explain the nature of the grievance and the desire to resolve it informally in a mutually satisfactory way, which may include discussion, mediation or conciliation. This discussion may be face-to-face, by telephone or via email or other mode of

communication.

11. If practicable, the parties will proceed with such informal means resolving the allegation to their mutual satisfaction.
12. Identification of the person making the allegation to the respondent will usually facilitate informal resolution of grievances. However, there may be cases where the person making the allegation declines to disclose his or her identity or, a support person or Program Director may form the view that identification of the person making the allegation may adversely affect the person making the allegation.

In these circumstances, attempts to resolve the allegation informally without disclosing the identity of the person making the allegation will proceed to a point at which the support person or Program Director concludes that it is no longer possible to proceed towards an informal resolution without divulging the identity of the person making the allegation. The support person or the Program Director will inform the person making the allegation of this view and the reasons for holding it. If the person making the allegation agrees for his or her identity to be disclosed, then attempts to reach an informal resolution will continue. If the person making the allegation does not agree to the disclosure of their identity to the respondent, then attempts to reach an informal resolution will immediately cease.

1. If it appears that a resolution of the allegation has been reached informally and to the mutual satisfaction of the parties, and if this has occurred with the involvement of a person other than just the person making the allegation and respondent themselves (e.g. Program Director, mediator, conciliator, support person/s), then that additional person must contact each of the persons making the allegation and respondent in writing within 10 working days (using the form located on the SI website), summarising the allegation, discussion and mutually agreed resolution; inviting each party to confirm in writing their understanding that the allegation has been resolved as indicated; and informing each party that if they do not agree that the allegation has been resolved, then the person making the allegation will be entitled to proceed with the allegation in a formal manner by lodging it with Complaints Management Unit.
2. Either party may seek guidance from the Complaints Officer on how to express their concern or record actions and decision taken.
3. The informal complaint form will link the students to the Student Complaints and Appeals policy and detail the next steps to take should the student believe that their concerns have not been resolved through the informal allegation process.
4. If the Student's concerns cannot be resolved under clauses above, the student may formally list their allegation.
5. Students must submit his or her formal allegation, including any supporting documentation using the formal allegation form located on the Complaints Management Unit website. In order to allow a comprehensive assessment of the allegation, the student should provide all supporting documentation. While support, guidance and advice on this process may be sought from the Complaints Officer, students are expected to produce their own documentation relating to allegations.
6. Once the formal allegation is lodged, Complaints Management Unit will promptly acknowledge lodgement via an email to the complainant, and action to investigate the complaint should normally commence within five (5) working days.
7. Thereafter, the formal allegation will be progressed in a timely manner having regard to the need to observe the principles of procedural fairness, to obtain and take account of all relevant evidence and documentation, and to keep accurate and reliable records. Complaints

Management Unit will, initially within 20 working days and thereafter at least fortnightly, ensure that the person making the allegation is kept informed of the status of the investigation.

8. If an allegation is lodged anonymously, or if the person making the allegation declines to have his or her identity disclosed to the respondent, the person making the allegation will, if practicable, be informed that the requirement for the principles of procedural fairness to be observed will prevent any adverse finding or inference from being made against the respondent, and the capacity for the allegation to be investigated and/or effectively resolved is likely to be severely curtailed.
9. If at any point it is determined that an allegation investigation cannot proceed due to anonymity or the person making the allegation declining to have his or her identity disclosed, the person making the allegation will, if practicable, be informed that the investigation will cease. If the person making the allegation does not consent to having his or her identity disclosed, no further action will be taken on the allegation.
10. Complaints Management Unit will assign an investigator to investigate the allegation. Where it appears necessary or desirable, for example in the case of an actual or perceived conflict of interest, Complaints Management Unit may appoint an investigator from outside Complaints Management Unit or, in exceptional circumstances, from outside SI.
11. The investigator will investigate the complaint, and in doing so will comply with the principles of procedural fairness. The investigator will:
 - a. Inform the respondent of the allegations being made in relation to his or her behaviour, including specifying the exact behaviour that constitutes the cause of the grievance;
 - b. Give both person making the allegation and respondent the opportunity to be heard in the way that each wishes, either by interview or by written submission; and
 - c. Gather, including where appropriate by interview, such information, documentation or other evidence, from any relevant source that has direct bearing upon the allegation and will assist in conducting a thorough and fair investigation of the allegation
12. The investigator will compile a report containing the following:
 - a. A summary of the allegation and the investigation, including the allegations, responses and other relevant evidence;
 - b. The investigator's view as to whether or not the allegation is justified;
 - c. The investigator's recommendations as to how the allegation might best be resolved, which may include:
 - Dismissing the grievance if it is unjustified;
 - Counselling one or both parties;
 - Arranging for mediation or conciliation of the allegation;
 - That one or both parties take specified action, for example, issue and accept an apology, or undertake a training or development program; or
 - That no further action be taken.
 - d. The investigator's view as to whether the allegation was frivolous or vexatious, or whether the person making the allegation lied or deliberately misled in connection with a grievance; and
 - e. The investigator's view as to whether there is sufficient reason to recommend that the procedures in the *Enterprise Agreement* (If involving staff) governing misconduct or

serious misconduct or the *Misconduct Policy* governing misconduct or serious misconduct ought to be invoked in respect of the original or subsequent behaviour of either the person making the allegation or the respondent.

13. The investigator will provide his or her report to the person making the allegation, the respondent and the Provost.

14. Following receipt of the report, the Provost will:

- a. Take appropriate action;
- b. Notify in writing both the person making the allegation and the respondent, providing reasons for the action taken or proposed to be taken; and
- c. Inform both parties of the opportunity to appeal in accordance with the provisions of Step 3 - Appeal outlined in section 5.

15. If, as a result of the action taken by the Provost, a process of mediation or conciliation of the allegation is subsequently undertaken, and if it appears that a resolution of the allegation has been reached as a result, then the mediator or conciliator must contact the person making the allegation and respondent in writing (which may be by email), summarising the allegation, discussion and mutually agreed resolution; inviting each party to confirm in writing their understanding that the allegation has been resolved as indicated; and if either party advises that they do not agree that the allegation has been resolved, then the matter will be referred back to the Provost for further action.

16. The mediator or conciliator will ensure that copies of the correspondence, including the responses, if any, from the parties are provided to Complaints Management Unit.

17. If the matter is referred back to the Provost, he or she will take such further appropriate action as deemed fit; notify in writing the person making the allegation and respondent, including reasons; and again inform both parties of the opportunity to appeal in accordance with the provisions of Step 3 - Appeal, outlined in section 5.

18. A copy of all relevant documentation will be submitted to Complaints Management Unit for entry into the Complaints Management System.

Section 5 Appeals following any concerns

1. A student must lodge his or her written appeal with SI (on behalf of the Student Appeals Committee) within 15 working days of the date of the written decision from the formal grievance, complaint or allegation , or within such extended time as the Provost, in his or her absolute discretion, authorises.
2. An appeal will not be heard by the Student Appeals Committee unless
 - a. the basis for the appeal has previously been considered by the Provost, relevant school or professional unit,
 - b. the Appellant has set out in the written appeal his or her reasons, including any written evidence and written submissions, for believing that
 - Procedural fairness or Due Academic Process has not been observed
 - There was substantial departure from this policy; and/or

- New information and/or evidence has become available that was not reasonably available during the informal and formal stages and
 - the Provost has confirmed that these requirements have been satisfied; or the Provost decides, in his or her absolute discretion and due to exceptional circumstances, to waive one or more of the requirements in this clause.
3. All appeals that meet the requirements in clause 1 of this part will be determined by the Student Appeals Committee. SI will organise a meeting of the Student Appeals Committee and the student appealing the matter.
 4. The Committee may review documentation, seek clarification or request further information to support its deliberations.
 5. The SI Student Appeals Committee will meet to make a determination as soon as possible and within 20 working days of lodging the Appeal.
 6. The student may at any time withdraw the appeal by writing to the Complaints Officer who will inform members of the Student Appeals Committee.
 7. The Appellant will receive at least ten (10) business days' notice of the date of an Appeal Hearing.
 8. The Provost, relevant School or professional unit must provide written evidence and written submissions to SI (on behalf of the Student Appeals Body), at least eight business days before the Appeal Hearing.
 9. The submissions of the Provost, relevant School or professional unit must describe the process by which the Decision was made, and set out why the Provost, relevant School or professional unit believes that Due Academic Process has been observed in the making of the Decision.
 10. SI (on behalf of the Student Appeals Body) will provide copies of written evidence and written submissions made by the Provost, relevant School or professional unit to the Appellant at least five business days before the Appeal Hearing.
 11. The Appellant will be invited to appear in person at an Appeal Hearing. The Appellant may be accompanied by a representative, who may speak on the Appellant's behalf.
 12. A representative of the Provost, relevant School or professional unit will be invited to appear in person at the Appeal Hearing.
 13. The Chairperson of the Student Appeals Committee may invite independent officers of SI to attend an Appeal Hearing, for the sole purpose of providing expert advice that assists the Student Appeals Committee in determining the appeal. An Appellant's treating practitioner or case worker is not an independent officer of the SI for the purpose of this clause.
 14. The Student Appeals Committee will
 - a. Interview or seek submissions from any person that it believes appropriate;
 - b. Review new information and/or evidence that has been properly provided;
 - c. Review all existing documentation and seek any necessary clarification; and
 - d. Request any further information it may find helpful to support its deliberations.
 15. Members of the Student Appeals Committee may address questions to the Appellant, the Appellant's representative, the Provost, relevant School or professional unit representative, or any independent officer invited to attend the Appeal Hearing.
 16. The purpose of an Appeal Hearing is for the Appellant and the Provost, relevant School or professional unit to address any questions posed by the Student Appeals Body, but not to give further oral evidence or oral submissions unless the Student Appeals Body, in its absolute discretion, allows such further oral evidence or oral submissions.
 17. If, due notice of no less than ten (10) working days having been given, the Appellant or his or

her representative does not attend an Appeal Hearing, the Student Appeals Committee may, in its absolute discretion defer consideration of the appeal; or hear and determine the appeal in the Appellant's or representative's absence.

18. A Student Appeals Committee may uphold or dismiss an appeal and, in its absolute discretion refer the Decision back to the Provost, relevant School or professional unit for reconsideration in accordance with Due Academic Process; make a new or amended Decision; or determine that no further action should be taken in relation to the matter.
19. The Student Appeals Committee will provide the student with a written decision on the appeal including the basis for the decision within twenty (20) working days of having received the appeal.
20. If a decision cannot be reached within twenty (20) working days, the Student Appeals Committee will provide the student with written notice of the steps being taken to resolve the appeal and an estimate of the time required until a decision can be provided. The Student Appeals Committee will ensure that the student is appraised in writing of the progress of the appeal and provided with a written decision including the basis for the decision as soon as possible.
21. The decision of the Student Appeals Committee is final.
22. The letter informing the student of the decision of the Student Appeals Committee will also inform the student of their right to seek external review and will list the contact details of relevant external reviewers within ten (10) working days of concluding the internal review.
23. Where a decision of a Student Appeals Committee reveals a systemic or other serious failure by the Provost, relevant School or professional unit to observe Due Academic Process, the Chair of the Student Appeals Committee will send a copy of the decision to the Provost and President for consideration and action.

External Avenues

1. If the student complainant is dissatisfied with the final outcome of the appeal, he or she may refer the matter, at their own cost, to an external organisation which, depending upon the nature of the complaint could include:
 - The NSW Ombudsman;
 - Overseas Student Ombudsman,
 - NSW Civil and Administrative Tribunal;
 - The Australian Competition and Consumer Commission,
 - NSW Fair Trading, where appropriate.
2. International students may request external mediation by the Resolution Institute who administer the Student Mediation Scheme which provides SI, students, and complainants with mediation by an independent third party. Where a student requests mediation by the Resolution Institute, SI will commence the process within then (10) working days of receipt of the request.
3. International students may request review by the Resolution Institute who administer the External Review Process which provides SI, students, and complainants with review by an independent third party. Where a student requests review by the Resolution Institute, SI will commence the process within 10 working days of receipt of the request.

There will be no charge imposed on any student for the cost of initiating an external grievance process.

Monitoring Progress of the Complaint

1. The Complaints Officer carries responsibility for monitoring progress of concerns. The Complaints Officer will provide Program Directors with fortnightly reports listing progress on all active concerns.
2. The Complaints Officer will send the President a report on any concerns in which there has been no recorded decision or other written notice to the student or person making the concern known for twenty (20) or more days following submission of the complaint. The President will ensure that any outstanding complaints are dealt with in a timely manner and according to this policy.

Upholding a complaint or appeal

Where a complaint or appeal is upheld, any necessary actions will be implemented by SI immediately. SI will notify the student with the concern in writing of the actions taken and the date they were completed.

If the Decision is to exclude a student in accordance with the *Monitoring Program Progression Policy* or the *Procedures for Monitoring Program Progress of International Students* to terminate his or her candidature, SI will not enforce the exclusion or termination until the appeal period specified above has expired, or, where an appeal is lodged, until such time as the appeal has been determined.

If the student is issued a Notice of Intention to Report due to non attendance or other triggering event no report will be made until the end of 20 days in which the student may appeal unless the student's health or wellbeing, or the wellbeing of others is at risk.

If the student is issued a Notice of Intention to Report does not lodge a formal complaint after 20 working days (from issue of the notice of intention to report), or the appeal decision supports the SI's intention to report decision, the decision will be actioned.

Student Feedback

SI will request feedback on participant experience when notifying resolutions or decisions. Student feedback will inform SI's monitoring, review and improvement processes in line with the *Student Feedback Policy*.

Confidentiality and Record-keeping

Records, including written records of concerns, will be kept in the appropriate form within the corporate records system at all operational stages of this policy and associated procedures, in accordance with the *Data and Record Integrity Policy*.

Records will be maintained within corporate records system at all operational stages of this policy and associated procedures in accordance with the *Privacy Policy*.

Policy Implementation and Monitoring

The *Academic Board* delegates responsibility for the day-to-day implementation of this policy to the *Program Monitoring Committee*.

In accordance with the *Compliance Calendar*, the *Program Monitoring Committee* will review steps followed and whether decisions made were reasonable, whether any actions required by SI were carried out in resolving complaints and handling appeals and student feedback received. Results from this review will be reported to the *Academic Board*.

The *Academic Board*, in accordance with the *Compliance Calendar*, will review all periodic reports from the *Program Monitoring Committee* and relevant staff members. Additionally, the *Academic Board* will review any concerns raised by staff pertaining to the complaints and appeals principles and procedures.

Based on these monitoring activities, the *Academic Board*, in accordance with the *Compliance Calendar*, must provide a report to the *Corporate Governance Board* and ensure that findings are taken into account in planning, quality assurance and improvement processes.

Advice about improvements to the *Student Complaints and Appeals Policy* will be based on analysis of reports regarding:

1. Student academic performance
2. Student complaints and appeal

Incidence rates of complaints, appeals and grievances by identified student subgroups, including all special entry cohorts, will be monitored and the findings used to inform improvement of the complaints and appeals process as well as improvement of teaching, learning and support strategies for those subgroups.

Definitions

Academic Decision (pursued through a grievance) means a decision by SI that affects the academic assessment or progress of a person within his or her Award Course, including a decision:

- 1 to exclude a Student in accordance with the *Monitoring Program Progression Policy*;
- 2 not to readmit or re-enrol a person following exclusion;
- 3 to terminate a Student's candidature for a postgraduate award.

Academic decisions relate to decisions and actions including, but not limited to:

- Assessment and academic progression;
- Content or structure of the academic program or teaching methodology;
- Credit transfer and recognition of prior learning; and/or
- Matters relating to the enrolment, candidature and supervision of postgraduate research students.

Administrative decisions and actions of the SI (pursued through a complaint) means a decision by SI on an administration matter and includes but are not limited to:

- Admission and enrolment processes;
- Fees and refunds of fees;
- An administrative decision made by a staff member;
- Failure to take into account all the facts and circumstances relevant to the student in making an administrative decision;
- Failure of the SI to make an administrative decision in a timely manner;
- Incorrect information or advice on administrative matters provided by a staff member;
- Inability to gain access to facilities and resources;
- Failure of a staff member to act fairly in relation to an administrative matter; and/or
- Failure of a staff member to follow due process in relation to an administrative matter.

Allegations refer to conduct that comprises

- **Negligent or improper conduct** by SI staff member/s or other SI student/s;
- **Interpersonal conflict** within or related to the study environment and study activities;
- **Unlawful discrimination, harassment, sexual harassment, victimisation and bullying** by SI staff member/s or SI student/s;

Appeal: the process through which a student can dispute a decision made by SI in respect to a grievance, complaint or allegation.

Corporate Governance Board: The SI governing body responsible for the oversight of all SI operations, including the direction-setting, quality assurance, monitoring, and improvement of academic and non-academic operations. It delegates responsibility for academic matters to the Academic Board.

Program Monitoring Committee: A committee dedicated to monitoring the quality of higher education programs at SI, primarily through reviewing and resolving student complaints and appeals, processing recognition of prior learning applications, and collating data on student performance and progression.

Student Support Officer: A senior staff member responsible for coordinating non-academic support services for students, including ensuring that students are informed of how to access them.

Complaints Management Unit: The Complaints Management Unit is a specialised fully trained unit led by the Provost and including the Quality and Compliance Coordinator that deals with matters of harassment, complaints and appeals.

Complaints Officer: The Complaints Officer is the Quality and Compliance Coordinator, who is also a member of the Student Appeals Committee.

Senior Manager: A member of SI's academic or professional staff who has delegated responsibility to supervise other staff.

Review Schedule

This policy will be reviewed by the *Academic Board* every three years.

Version History

Version number:	Approved by:	Approval date:	Revision notes:	Next review date:
1	Academic Board	4/09/2017		
2	Academic Board	16/10/2017		16/10/2020
3	Academic Board	24/07/2019	Incorporating specific timeframes for resolving complaints or appeals and defining processes for external resolution.	24/07/2022
4	Academic Board	29/07/2020	Revision made to comply with National Code and inclusion of Complaints Management Unit	29/07/2023
5	Academic Board	19/07/2020	Revision made to address CRICOS area of concern in Standard 10 regarding cost of external grievance	17/09/2023

End of document: "Student Complaints and Appeals Policy"

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Related Documents

		Data and Records Integrity Policy
		Information For Students Policy
		Student Feedback Policy