

UNSW Global Pty Limited		Complaints and Appeals Policy	
UNSW Institute of Languages	<input checked="" type="checkbox"/> Internal	<input checked="" type="checkbox"/> External	
Responsible Officer	Director of Studies, English		
Contact Officer	Adele Pitkeathly		
Authorisation	Group Executive, UNSW Institute of Language		
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## 1. Preamble

### 1.1 Purpose

This policy is in place to ensure all students are able to lodge a complaint against, or appeal any UNSW Institute of Languages (UNSWIL) process or policy, or any individual linked directly or indirectly to the UNSW Institute of Languages community, that in the opinion of the student (appellant) adversely impacts on their studies or student experience.

### 1.2 Background

In compliance with National Code 07's Standard 8, AQTF 2007 Standards and NEAS guidelines, UNSWIL has documented procedures for handling complaints, grievances or appeals.

## 2. Scope

This policy applies to complaints or appeals made by international students enrolled in any of UNSWIL's English Language programs.

The policy also applies to all staff involved in the promotion, recruitment, admission, academic delivery, management or administration of overseas students on student visas.

## 3. Definitions

UNSW Institute of Languages is an education group of UNSW Global Pty Limited, a not-for-profit provider of education, training and consulting services and a wholly owned enterprise of the University of New South Wales

UNSW Global Pty Limited and UNSW Institute of Languages CRICOS Provider No 01020K.

Complaint : a written expression of dissatisfaction regarding a UNSW Institute of Languages policy, practice, or regarding an individual employee, student, or service provider, lodged with the express intention of seeking a resolution.

Appeal : a written expression of dissatisfaction regarding a UNSW Institute of Languages decision, lodged with the express intention of seeking a resolution.

DIAC Department of Immigration and Citizenship

DEEWR Department of Education, Employment and Workplace Relations

#### **4. Policy Statement**

UNSWIL's internal complaints and appeals process

- requires a written record if the complaint or appeal cannot be resolved informally;
- provides a student with the opportunity to formally present his or her case at minimal or no cost;
- allows the student to be assisted or accompanied by a support person;
- provides a written statement of the outcome, including details and reasons for the decision; and
- requires that processes begin within 10 working days of the provider receiving the formal written lodgement of the complaint or appeal and all reasonable measures are taken to finalise the process as soon as practicable.

#### **Complaints and Appeals Process**

##### **Step 1- Informal Complaint**

The student should try to resolve the matter with the person concerned in an informal manner through discussion and negotiation. This is not a compulsory step.

##### **Step 2- Informal Complaint**

If the student is unable to resolve a complaint by discussion with the relevant UNSWIL staff member(s) or is not comfortable doing so, they should direct the complaint or appeal as designated below.

- For complaints involving teaching or administrative staff, and/or other students, the student should see a Student Adviser or Course Coordinator in the first instance. Where the complaint involves that person, the matter will be referred to the next most senior appropriate member of staff, e.g. Head of Studies or Director of Studies.

- Where the complaint relates to student fees or enrolment, the matter should first be taken up with the Manager, Admissions.

### **Step 3 - Formal Complaint or Appeal**

If the student believes that the complaint or appeal has not been satisfactorily resolved, the complaint or appeal should be referred to the Group Executive of UNSWIL or their nominee via the Formal Student Complaint form available at the Student Services office. The Group Executive or their nominee will respond within 10 working days regarding the outcome or progress of the complaint or appeal process. A written statement of the outcome including details and reasons for the decision will be provided when the process has been completed.

### **Step 4- Internal Appeal**

If the student is not satisfied with the outcome of the formal complaint or appeal, they may choose to appeal to the Chief Executive Officer of UNSW Global via the Appeal Form available at the Student Services office. The appeal process will commence within 10 working days of receipt of the appeal. A written statement of the outcome of the appeal including details and reasons for the decision will be provided when the process has been completed.

### **Step 5- External Appeal**

If the student is not satisfied that the matter is satisfactorily resolved at this stage, s/he can choose to lodge an external appeal or complain about this decision, by contacting the Overseas Students Ombudsman. The Overseas Students Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their education provider. The student can refer to the Overseas Students Ombudsman website [www.oso.gov.au](http://www.oso.gov.au) or phone 1300 362 072 for more information.

The student must inform UNSW Institute of Languages in writing that an appeal to the Overseas Students Ombudsman has been made.

### **Appeals against Intention to Report for Unsatisfactory Attendance, Unsatisfactory Course Progress or Academic Misconduct (International Students holding Student Visas)**

Students wishing to appeal against UNSW Institute of Languages' Intention to Report to DIAC/DEEWR for unsatisfactory attendance, unsatisfactory course progress or academic misconduct issues should first meet the Director of Studies (or nominee) to discuss the matter.

If the student chooses to proceed with an appeal, they will be provided with a formal appeal document which must be completed and submitted to the Director of Studies (or nominee), along with relevant supporting documentation within the specified time (20 working days from receipt of the Intention to Report letter). The Director of Studies or nominee will respond within 10 working days regarding the outcome or progress of

the appeal process. A written statement of the outcome including details and reasons for the decision will be provided when the process has been completed.

If the student is not satisfied with the outcome of the appeal at this level, they may choose to access Steps 3, 4 and 5 of the Complaints and Appeals process above.

UNSW Institute of Languages Complaints and Appeals Policy and Procedure in full can be accessed at

[http://intranet.nsg.unsw.edu.au/policy\\_manual/9\\_0/IL-008-POL\\_UNSW\\_Institute\\_of\\_Languages\\_Complaints\\_and\\_Appeals\\_Policy.pdf](http://intranet.nsg.unsw.edu.au/policy_manual/9_0/IL-008-POL_UNSW_Institute_of_Languages_Complaints_and_Appeals_Policy.pdf)

#### **4.1 Maintaining a Student's Enrolment during the Complaints and Appeals Process**

UNSWIL will maintain the student's enrolment while the internal complaints and appeals process is ongoing. This does not necessarily mean that a student must remain in class. To 'maintain the student's enrolment' means UNSWIL does not notify DIAC/DEEWR (international students on student visas) of any change to the student's enrolment status through the Provider Registration and International Student Management System (PRISMS).

#### **4.2 Attendance in Class during the Complaints and Appeals Process**

The Group Executive, in consultation with the Director of Studies, Head of Studies and any relevant teaching or student support staff must decide whether UNSWIL will continue to offer learning opportunities throughout any appeals process. It may be decided that the student will be excluded from class but continue to be provided with work to complete outside of the classroom environment. The Group Executive will consider whether denying the student learning opportunities throughout the appeals process may disadvantage the student in his/her subsequent studies should the appeals process find in his/her favour.

#### **4.3 Timeframe of the Complaints and Appeals Process**

The Complaints and Appeals process will begin within 10 days of receipt of the formal complaint. It will be completed within a reasonable timeframe which takes into consideration factors such as the length of a student's visa and the student's enrolment in future subjects and/or courses.

#### **4.4 Outcome of the Appeals Process**

A written statement of the outcome of a complaint or appeal including details and reasons for the decision will be communicated to the complainant/appellant and the student's file will be updated to record the outcome, and any subsequent actions.

If the outcome of a student's appeal through UNSWIL's internal or external complaints and appeals handling process is favourable to the student, UNSWIL will immediately advise the student of this and implement any decision and/or corrective and preventive action required.

In most cases, the purpose of the external appeals process is to consider whether the provider has followed its policies and procedures – it is not to make a decision in place of the institution. For example, if a student appeals against his or her subject results and goes through UNSWIL's internal appeals process, the external appeals process (if accessed) would look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be.

If a student takes the complaint or appeal to the external process, the student must be informed promptly of the decision reached by the external body. UNSWIL will immediately implement the decision of the Overseas Students Ombudsman.

## 5. Legal and Policy Framework

This policy complies with the following legislative framework governing the delivery of education to overseas students studying in Australia on a student visa:

- Education Services for Overseas Students (ESOS) Act 2000  
<http://www.comlaw.gov.au/comlaw/management.nsf/lookupindexpagesbyid/IP200401844?OpenDocument>
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (The National Code 2007)  
<http://www.aei.gov.au/regulatory-information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/National-Code/Pages/default.aspx>

## 6. Implementation

### 6.1 Responsibilities

#### Staff Roles

Complaints received by any member of UNSWIL staff will be referred to the Head of Studies of the relevant program, the relevant Director of Studies or to the Manager, Admissions, who will ensure that the Complaints and Appeals process is followed.

#### Student Roles

Before initiating any complaint procedures, it is expected that a student will attempt to resolve any complaint directly with the person/s concerned. Wherever possible, complaints should be resolved by a process of discussion, cooperation and conciliation.

Further, it is expected that UNSW Institute of Languages students will adhere to their responsibilities as outlined in the Complaints and Appeals policy.

## 7. Review

The Director of Studies, ELICOS will review this policy annually, or in case of legislative changes governing the delivery of education services to overseas students on a student visa

**8. Attached Documentation**

Student version of the Complaints and Appeals Process (from Student Handbook)

**9. Related Policies and Procedures**

## Complaints and Appeals

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UNSW Institute of Languages (UNSWIL) is committed to providing a study environment that is safe, fair and free from harassment and discrimination for all students. An essential part of developing that environment is ensuring that students are able to come forward with their complaints and appeals in the knowledge that the responsible staff will take prompt and effective action to address the matter.

### Guidelines

1. Before starting any complaint procedures, students should try to resolve any complaint directly with the person/s concerned. This is appropriate whether it is a complaint about a mark or an overall grade, or an event in class, or a difficulty in your program. Wherever possible, complaints should be resolved by a process of discussion, cooperation and conciliation.
2. A student raising a complaint may bring a support person to any interview.
3. Students will not be victimised because they raise a complaint, are associated with a complaint, or appeal an UNSW Institute of Languages decision. Unless advised otherwise, a student's enrolment will be maintained while the Complaints and Appeals process is ongoing.
4. Complaints and Appeals will be treated seriously and sensitively, having due regard to procedural fairness, confidentiality and privacy.
5. All students are expected to participate in the complaint and appeals resolution process in good faith.
6. Students have the right to access a person or body independent of and external to UNSWIL. This external appeals process will be at minimal to no cost.

### Complaints and Appeals Process

#### Step 1- Informal Complaint

Try to resolve the matter with the person concerned (as above). This is not a compulsory step.

#### Step 2- Informal Complaint

If you have been unable to resolve a complaint by discussion with the relevant UNSWIL staff member(s) or if you are not comfortable doing so, you should direct your complaint or appeal as designated below.

- For complaints involving teaching or administrative staff, and/or other students, see a Student Adviser or Course Coordinator in the first instance. Where the complaint involves that person, you should refer the matter to the next most senior appropriate member of staff, e.g. Head of Studies or Director of Studies.
- Where the complaint relates to student fees or enrolment, the matter should first be taken up with the Manager, Admissions.

#### Step 3 - Formal Complaint or Appeal

If you believe that the complaint or appeal has not been satisfactorily resolved, you should refer the complaint or appeal to the Group Executive of UNSWIL or their nominee. A Formal Student Complaint form is available at the Student Services office for this purpose. The Director or their nominee will respond within 10 working days regarding the outcome or progress of the complaint or appeal process. A written statement of the outcome including details and reasons for the decision will be provided when the process has been completed.

#### Step 4- Internal Appeal

If you are not satisfied with the outcome of your formal complaint or appeal, you may choose to appeal to the Chief Executive Officer of UNSW Global. The appeal process will commence within 10 working days of receipt of your appeal. A written statement of the outcome of your appeal including details and reasons for the decision will be provided when the process has been completed.

## Step 5- External Appeal

If you believe the matter is not satisfactorily resolved at this stage, you can choose to lodge an external appeal or complain about this decision by contacting the Overseas Students Ombudsman. The Overseas Students Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider. You can see the Overseas Students Ombudsman website [www.oso.gov.au](http://www.oso.gov.au) or phone 1300 362 072 for more information.

Frequently Asked Questions (FAQs) for providers and other information about the Overseas Students Ombudsman are available at [www.oso.gov.au](http://www.oso.gov.au)

You need to inform UNSW Institute of Languages in writing that you have chosen to appeal to the Ombudsman. UNSWIL will immediately implement the decision of the NSW Ombudsman.

### Appeals against Intention to Report for Unsatisfactory Attendance, Unsatisfactory Course Progress or Academic Misconduct

If you wish to appeal against UNSW Institute of Languages' Intention to Report to DEEWR for unsatisfactory attendance, unsatisfactory course progress or academic misconduct issues, you should first meet the Director of Studies (or their nominee) to discuss the matter.

If you choose to proceed with an appeal, you will be provided with a formal appeal document which must be completed and submitted to the Director of Studies (or their nominee), along with relevant supporting documentation within the specified time (20 working days from receipt of the Intention to Report letter). The Director of Studies or their nominee will respond within 10 working days regarding the outcome or progress of the appeal process. A written statement of the outcome including details and reasons for the decision will be provided when the process has been completed.

If you are not satisfied with the outcome of your appeal at this level, you may choose to access Steps 3, 4 and 5 of the Complaints and Appeals process above.

NSW Institute of Languages Complaints and Appeals Policy and Procedure in full can be accessed at

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## Complaints and Appeals Process

