

Student Complaints and Appeals Policy

1. Purpose

This policy has been developed to ensure all current and prospective students of UniSmarter are given access to a fair, low cost, complaints resolution and appeals process.

2. Application

This policy is applicable to all persons who seek to enrol at UniSmarter and current students of UniSmarter.

3. Policy Statement

Any current or prospective student of UniSmarter who believes they have experienced incorrect, inappropriate or unfair treatment in the course of their relationship with UniSmarter is entitled to access the complaints and appeals process set out in this policy.

The student has the right to raise a complaint or appeal, and to have that matter considered with courtesy, in a timely fashion and without fear of prejudicial treatment.

UniSmarter believes complaints and appeals should be resolved, wherever possible and appropriate at the informal level with a minimum of formal procedures. An informal process, involving discussion between a student and a member of staff will be conducted in each case to try to resolve the issue prior to a formal appeal being lodged.

3.1 Policy Principles

The principles which underpin this policy are as follows:

- The consideration of complaints and appeals will be dealt with according to principles of procedural fairness which respect the right of a complainant or appellant to be heard by an impartial party;
- In all matters of dissatisfaction, students and staff should attempt to resolve the conflict informally in a cooperative manner. If this is not possible, or the outcome is unsatisfactory, the formal process may be commenced. It is best practice that issues are resolved as close to the source as possible.
- Complainants, appellants and respondents will not be subject to discrimination or harassment resulting from their participation in the complaints or appeal process;
- Staff will make all attempts to respond to complaints within the time limits set out in this policy;
- The UniSmarter Complaints and Appeals Processes will be made available to the public on the UniSmarter website;
- Complainants, appellants and/or respondents have the right to be represented, or accompanied, by a third party (such as a family member, friend, counsellor, or other professional support person other than a qualified legal practitioner) if they so desire;
- All communications arising from the complaints process, together with the proceedings of the Appeals Committee, will remain confidential, except to the extent necessary to give effect to this Policy.

- Where the appeal relates to suspension of enrolment, students may maintain their enrolled status whilst awaiting the outcome of the appeal;
- If, at any time during the internal or external appeals process, a decision is made which supports the complainant/appellant, UniSmarter will immediately implement the decision and advise the complainant/ appellant of the outcome;
- UniSmarter Student Success Advisors are available to assist students with preparing a written appeal. The Student Success Advisor cannot give advice regarding the likelihood of success.

4. Complaints and Appeals process

The following tables set out the procedures a student should follow when making a complaint or lodging an appeal.

To avoid any apprehension of bias, where a relevant Senior Manager has been involved in the matter at an earlier stage, they will disqualify themselves from considering the case. An alternate senior staff member will consider the matter, in their place.

For the purposes of this policy, cases are grouped into two broad categories depending upon how they arise:

- *Complaint:*
a consequence of dissatisfaction with an aspect of routine operations at UniSmarter.
- *Appeal:*
in response to a decision made by UniSmarter on a matter.

Table 1: Assessors of Complaints or Appeals

| Area of Complaint/ Appeal | Informal Resolution Contact: Relevant Senior Manager/Officer as listed in this column |
|---|---|
| <p>Academic Complaints/Appeals</p> <p>(e.g. exclusion, learning, special consideration, deferred assessment etc.)</p> <p>NB: <i>Grade reviews are dealt with via the UniSmarter Grade Review Procedure</i></p> | <p>Online Unit Coordinator and/or Program Manager</p> |
| <p>Academic Committee</p> <p>(Academic and Student Misconduct)</p> <p>(Grade reviews are dealt with via the UniSmarter Grade Review Procedure – but appeals from this come to the Academic Committee)</p> | <p>Appeals on decisions made by the Academic Committee go directly to the Appeals Committee after the student has spoken to the Student Success Advisor</p> |
| <p>Fees Complaints/Appeals</p> <p>(e.g. cancellation fees, notification of intent to cancel enrolment due to non-payment of fees)</p> | <p>Student Success Advisor</p> |

| Area of Complaint/ Appeal | Informal Resolution Contact: Relevant Senior Manager/Officer as listed in this column |
|--|--|
| Enrolment Complaints/Appeals (e.g. withdrawal, late enrolment) | Student Success Advisor |
| General Complaints/Appeals (any issue arising as a consequence of a UniSmarter's operations, e.g. marketing information, etc.) | Student Success Advisor |

All complaints (along with the required documentation) need to be emailed at complaints@unismarter.com.

4.1 Informal Resolution

A student has 7 days from the date of the decision or event, to lodge an appeal. To commence that process, the student should email the relevant manager (Listed on Table 1) for each category of appeal or complaint.

The outcome of an informal resolution will be conveyed in writing to the student via email.

There is no cost associated with informal resolution.

4.2 Informal Resolution upon receipt of a 'Notification of Intent to Exclude':

A student who has received a *Notification of Intent to Exclude* and who believes they can provide reasons as to why their exclusion should not proceed must, within 7 days of notification, meet with the Student Success Advisor, and put together an appeal against exclusion along with any supporting documentation. The appeal against exclusion submission will result in one of two outcomes:

1. eligibility for exclusion is confirmed;
2. the student will be permitted to continue with their studies subject to a period of probation.

The outcome of the appeal will be conveyed in writing to the student via email and a copy will be kept with the student's data within 14 days. Students will not be permitted to pay fees or re-enrol until approval has been given for the student to continue with their studies.

4.3 Formal Appeal to the Appeals Committee

Where the appellant is not satisfied with the outcome of the Informal Resolution and believes that:

- there was insufficient opportunity to present their case to the decision-maker; or
- the process was not carried out in accordance with UniSmarter policy or procedures; or
- the decision was made contrary to the evidence provided; or
- new information or evidence is available that has not been previously considered;

a written appeal can be lodged with the Appeals Committee at appealscommittee@unismarter.com. The appeal should be lodged within 7 days of the date of the outcome from the informal resolution.

Students should complete a UniSmarter Appeals Committee Form and submit this in conjunction with their written appeal.

The Secretary of the Appeals Committee shall consider the appeal in order to determine whether it should be accepted for hearing, in whole or in part, or rejected on the following basis:

- the appeal does not address one or more of the criteria above where the appellant is not satisfied with the outcome of the Informal Resolution;
- the student has not provided UniSmarter with accurate contact details and ensured they are available to receive notifications from UniSmarter. Late or non-receipt of official communications will not normally be accepted as grounds for an appeal to be heard, if changes of address have not been notified and received by UniSmarter in a timely way; or
- the appeal is lodged outside the time allowed for lodgement of an appeal.

If an appeal is rejected on any of the grounds outlined immediately above, the Secretary of the Appeals Committee will contact the student and explain the grounds for rejection. Where appropriate and possible, the Secretary may assist the student by clarifying the criteria that must be met in order for the Appeals Committee to accept the appeal for hearing.

On accepting an appeal for hearing, the Committee will take all reasonable steps to consider the appeal and respond in writing to the appellant within 14 days of receipt of the appeal documentation. In order to ensure the fullest consideration of the appeal, the Committee may ask either the appellant or the respondent (or both) to present their case to the Committee.

The Appeals Committee membership will vary according to the nature of the appeal. At least half of the Appeals Committee must be present in the making of a decision on a student's appeal. Where a Committee member is unavailable, an alternative Committee member may be invited to consider the appeal. To avoid any apprehension of bias, an alternative senior staff member will replace any Committee member responsible for the decision that led to the appeal, or who was involved in earlier resolution processes.

The Appeals Committee may recommend a change in its policy or procedure as a result of deliberations. The relevant Senior Manager will be asked to respond with an action plan, or a rationale why action is not planned.

There is no cost associated with an appeal to the Appeals Committee.

4.4 Other External Appeal options

Where a student engages in the UniSmarter *Complaints & Appeals* process, it does not remove their right to pursue other legal remedies, or take further action under the relevant and applicable legislation.

5. Administrative Procedures

Records of all complaints and appeals will be kept for a period of three years. These records will be strictly confidential and stored separately from student data. These records will be under the responsibility of the Student Success Advisor.

Continuous improvement recommendations made by the Appeals Committee will be considered and responded to within 30 days of notification.

Recommendations arising from any external review of the Student Complaints & Appeals Policy, or related procedures, will be implemented within 90 days of notification.

6. Monitoring and Reporting

The Student Success Advisor is responsible for the collation and analysis of information about the type, causes and numbers of student complaints and appeals on an annual basis.

7. Definitions

- *Complaint*
An expression of dissatisfaction occurring as a result of routine UniSmarter operations
- *Appeal*
A formal process to challenge a decision made on a particular matter
- *Complainant*
A person lodging a complaint
- *Appellant*
A person lodging an appeal
- *Respondent*
A person responding to a complaint or appeal
- *Relevant Senior Officer*
The UniSmarter staff member responsible for consideration of a complaint or appeal

8. Related Documents

- UniSmarter Appeals Committee Form
- Grade Review Procedure

Amendment History

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