

				full review
3.7	Director of Governance	25 February 2021	25 February 2021	August 2017

Procedure Statement				
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Purpose	To describe the complaint procedure for enrolled UNSW students.
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Scope	<p>This procedure applies to the following in respect of complaints made less than twelve months after the event giving rise to the complaint:</p> <ul style="list-style-type: none"> x all enrolled students and their activities undertaken within or with members of the UNSW Community. x former students, students not currently enrolled and students previously enrolled, where the event forming the basis of the complaint occurred while they were a member of the UNSW Community. x the University and its staff. <p>This procedure does not apply to the following types of complaint:</p> <ul style="list-style-type: none"> x Complaints about research activities and outputs, including authorship, intellectual property and research misconduct (please refer to the UNSW Research Code of Conduct and other relevant UNSW Codes and Procedures, which are listed at https://www.gs.unsw.edu.au/policy/findapolicy/policylist.html) x Reviews of academic decisions related to the thesis examination or other academic decisions for postgraduate research candidates (Students should seek advice from the Graduate Research School) x Complaints about any decision for which UNSW Procedures provide an internal process for students to appeal the decision. Students should follow the appeal process detailed in the relevant Procedure. Once an appeal has been considered by the office-bearer, committee or entity specified in the relevant Procedure, the University does not provide any further internal avenues of complaint or appeal. For example, decisions about re-enrolment following suspension or exclusion on the grounds of academic performance are specifically excluded, as these are considered by the Re-enrolment Appeals Committee x Complaints about the behaviour of UNSW staff (academic and/or professional) which are legally required to be managed in accordance with relevant employment
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1. Principles

- 1.1. The University is committed to providing a fulfilling and rewarding learning and research experience that enables students to achieve their full academic potential. Feedback is welcomed as a mechanism for continuous improvement.
- 1.2. Wherever possible complaints will be resolved by a process of discussion, cooperation and, where appropriate, mediation, as soon as possible after an incident or situation has occurred. Complaints will be acknowledged and handled promptly. Complaints will be treated sensitively having due regard to procedural fairness and confidentiality. Complainants will not suffer detriment or disadvantage as a direct result of making a complaint.

Need Help?

- 1.3.

Examples of complaints under this category include: inconsistent application of assessment procedures or the special consideration procedure.

3. How complaints are handled

3.1. In most circumstances the University follows a three stage complaints handling model:

Stage 1: Local Process: To be used first in most cases, resolving complaints through an informal process which aims to sort out complaints as quickly and as close to the source of complaint as possible. This approach is generally considered suitable for straight forward issues or matters that are urgent but not serious. See further in section 4.

Stage 2: Central Process – Conduct & Integrity Office : To be used where the Stage 1 preliminary process does not resolve the complaint or where the complaint is of a serious nature and a Stage 1 approach is not appropriate. See further in section 5.

Stage 3: Appeal. A complainant may appeal a decision made by the or IO in the central investigation on the grounds of lack of procedural fairness only. No appeal is available in respect of the substantive merits of the investigation. See further in section 6.

3.2. In appropriate cases, the University may decide to adopt a different complaints handling model, at its discretion. In such cases, the procedure to be followed will be outlined to the complainant and other parties in advance.

4. Stage 1: Local Process

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4.7. Residencies and Colleges

Students with a concern which relates to an aspect of their accommodation at a UNSW managed residency or College should in the first instance raise the concern with the College or Residence Manager.

5. Stage 2: Central Process – Student Integrity Unit

Complaints must be made no later than twelve months after the event giving rise to the complaint.

5.1. Lodging a complaint

A complaint can be submitted to the Conduct & Integrity Office (CIO) for a Stage 2 Central

5.8. Notification

The Conduct & Integrity Office (CIO) or IO will notify the complainant of the steps to be taken,

may extend this period to longer than 15 working days following a request for an extension from the student in writing. Other than in exceptional circumstances, an extension request must be made within 15 working days of the date of the notification of the decision by the CIO or IO.

6.3. Student Complaint Appeal Committee

The Deputy Vice-Chancellor (Academic & Student Life) (or nominee) may convene a Student Complaint Appeal Committee (the Committee) to hear the appeal. As well as Deputy Vice-Chancellor (Academic & Student Life) (or nominee) as Chair, the Committee will also consist of one Associate Dean and one elected or nominated student member of the Council, Academic Board or Faculty Committee.

No person is eligible to sit on the Committee who has, or could reasonably be perceived to have, a conflict of interest in the matter.

The Committee may appoint one or more persons to assist it on any matters requiring legal, procedural or technical expertise.

6.4. Appeals process

The appellant and any other relevant party in the appeal will be invited to attend a hearing to state their case. If the appellant is unable to attend the hearing, or chooses not to attend, the hearing may still take place.

The appellant and any other person invited to attend will be asked to inform the Chair in writing before the hearing:

- a) Whether they intend to attend the hearing
- b) Whether they intend to attend with a support person (the support person may not attend in the place of the appellant) (see further in 6.5 below)
- c) Whether they intend to present any material not in the written submission.

At the hearing:

- a) The Committee shall sit in private
- b) Only material relevant to the grounds of the appeal may be presented

In determining the outcome of the appeal the Committee may:

- a) Dismiss the appeal; or
- b) Allow the appeal, in which case, the Committee may either
 - i. Make a fresh determination on all or part of the complaint, or
 - ii. Refer the matter back to the Conduct & Integrity Office or relevant IO to re-determine the complaint having regard to the Committee's decision, or
 - iii. Refer the matter to another IO to reinvestigate the complaint (in whole or in part) having regard to the Committee's decision and, to the extent directed by the Committee, to re-determine the complaint.

If no denial of procedural fairness has been identified all avenues of complaint and appeal within the University will have been exhausted. An appellant dissatisfied with the outcome of the appeal may seek external review, for example by an agency such as the NSW Ombudsman.

6.5. Indicative time frame

The University endeavours to adhere to the following indicative time frame. All relevant parties will be informed as soon as possible if alternative time frames are to apply.

- x Appeals will be acknowledged within 5 working days of the receipt of the appeal
- x Student Complaint Appeal Committee aims to convene within 30 working days of the date of acknowledgement of the appeal
- x At least 10 working days' notice of the appeal hearing will be given to all relevant parties
- x The parties should inform the Chair of any support person arrangements at least 5 working days before the hearing
- x Material considered by the Conduct & Integrity Office or IO in the investigation will usually be circulated to the appellant 5 working days before the hearing (but see further in section 11 below)

11. Internal reporting

A bi-annual report on trends and emerging issues will be provided to the UNSW Academic Board and other committees.

12. Acknowledgements and resources

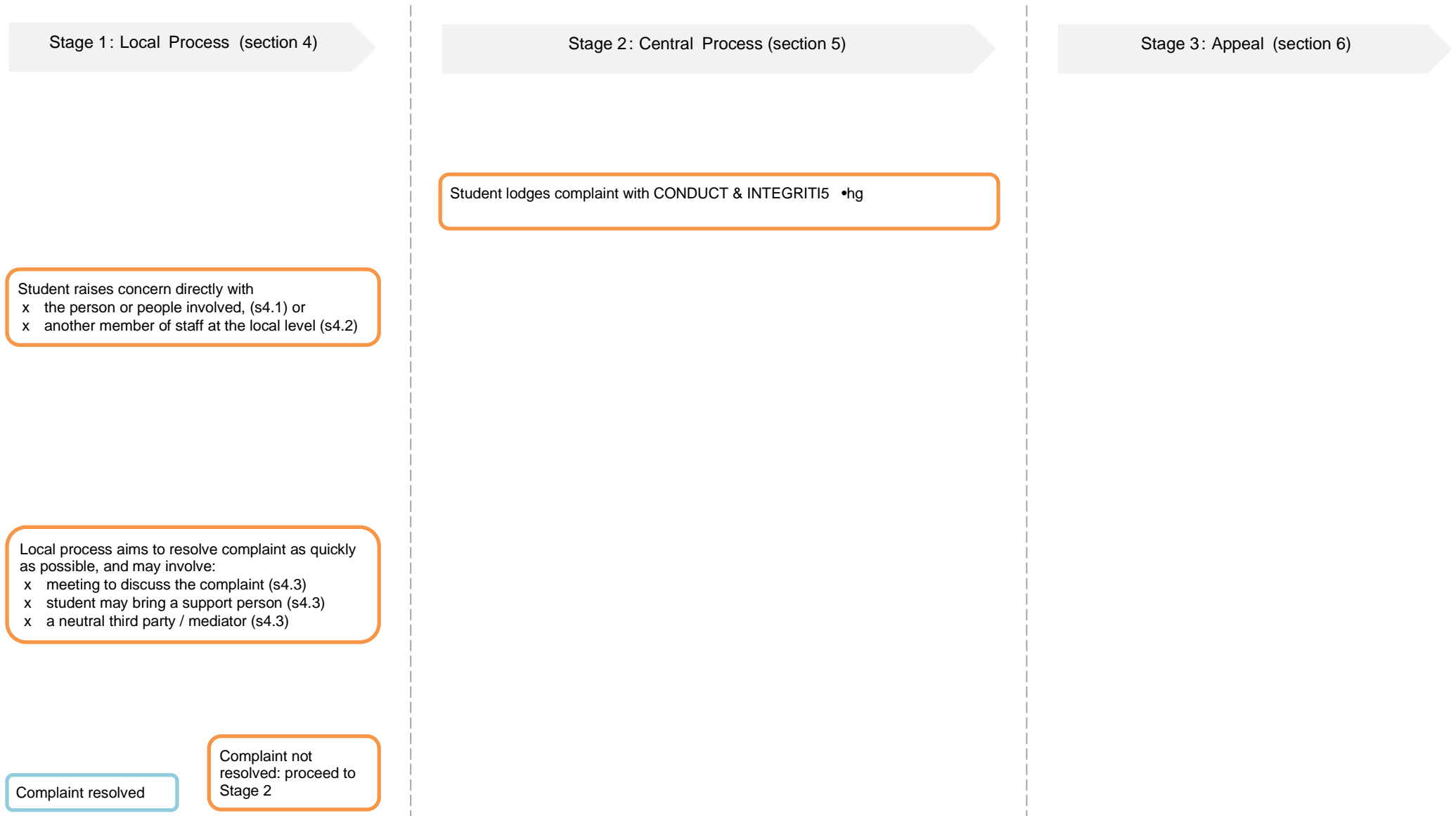
Additional resources:

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Accountabilities	
Responsible Officer	Deputy Vice-Chancellor Equity Diversity and Inclusion
Contact Officer	Director, Conduct & Integrity
Supporting Information	
Legislative Compliance	This Procedure supports the University's compliance with the following legislation: Nil
Parent Document (Policy)	Student Code of Conduct
Supporting Documents	Nil
Related Documents	Student Misconduct Procedure Sexual Misconduct Prevention and Response Policy Assessment Policy Assessment Implementation Procedure

Respondent	A person about whom a complaint is made or, where a complaint is made that is not specific to a person, the person who is nominated by the relevant business unit, Faculty or Department to respond to a complaint.
Serious matters	Complaints are considered serious where there is reason to believe that: <ul style="list-style-type: none"> a) There is a significant risk to the University and its staff and/or students b) A serious criminal offence may have been committed c) There are a number of complaints of a similar nature received against a respondent
Sexual Misconduct	Sexual misconduct concerns behaviours that are in breach of the University's Sexual Misconduct Prevention and Response Policy .
Student Integrity Unit (SIU)	The staff members of the University who are responsible for undertaking and co-ordinating investigations, making complaint outcome determinations and providing advice and guidance to students and staff.
Support person	A person who may help a student make a complaint, provide support or give advice before or during the complaint process. A support person may be a friend, student, staff member or family member. A support person is not able to speak on behalf of the student and is not an advocate for the student.

APPENDIX A: Student Complaint Procedure summary diagram



APPENDIX B: Indicative time frame

Stage 1: Local Process