

# Complaints and Appeals Policy

## Purpose

This policy establishes the principles and processes by which the Institute of Creative Arts and Technology (ICAT) will hear, investigate, hear, and attempt to resolve both academic and non-academic complaints and appeals in a fair, equitable and confidential manner.

## Scope

All students at ICAT or prospective students seeking to enrol in a course of study with ICAT are entitled to access the complaints and appeals procedures set out in this policy, regardless of campus location, their place of residence or the mode in which they study. The policy also applies to staff who investigate, hear and determine complaints and appeals.

The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other higher education provider policies or under statute or any other law.

## Related Policies

This policy should be read in conjunction with the following Institute policies and forms:

- Assessment Policy
- Application to Appeal Form
- Complaint Form
- Misconduct Policy
- Privacy Policy

All documents referenced in this policy can be accessed via the [Forms & Policies](#) section on the homepage of the Institute website.

## Definitions

For the purpose of this, Policy the following definitions apply:

<b>Academic Complaint</b>	means a formal complaint where a student or prospective student believes they have received unreasonable treatment in relation to matters such as academic progression, assessment and grading matters; course content, structure or delivery; Institute decisions in relation to academic misconduct; supervision of internship placements, and copyright or intellectual property violations
<b>Appellant</b>	means a student or prospective student who has

	made an appeal against an Institute decision in relation to a non-academic complaint
<b>Complainant</b>	means a student or prospective student who has made a non-academic complaint
<b>The Institute</b>	means the Institute of Creative Arts + Technology Pty Limited, including staff, affiliates, and contractors
<b>Learning Management System (LMS)</b>	means the system used to monitor, provide, and deliver learning materials and resources and record student learning outcomes and results
<b>Non-Academic Complaint</b>	means a formal complaint where a student or prospective student believes they have received unreasonable treatment in relation to matters such as admission processes or decisions; enrolment processes or decisions; timetabling processes; Institute decisions in relation to non-academic misconduct; financial status of a student; and discrimination, harassment, bullying or intimidating behaviour to others
<b>Student</b>	means a person who is currently enrolled in a course of study at the Institute of Creative Arts + Technology; prospective students or a person who was enrolled in the two years prior to the complaint being made

## Policy Statement

Complaints and appeals will be managed in a transparent, fair and equitable manner.

## Principles

The following principles apply:

1. Students and prospective students can access the complaints policy and procedures regardless of the campus where they study or their mode of study.
2. All complaints and appeals must be made in a timely manner, will be dealt with promptly and will progress through the information and formal stages according to this policy.
3. All parties to a complaint or appeal have the right to be represented by a third person (such as a family member, friend, counsellor, or another professional support person) if they so desire.
4. The parties to a complaint or appeal will not be victimised or discriminated against during any stage of the process as set out in this policy.
5. All complaints and appeals will be treated with confidentiality. Access to information in relation to the complaint or appeal will be provided only to staff on a 'need-to-know' basis.

6. All matters arising from the complaint and/or appeal proceedings shall be accurately documented and recorded. Records shall be maintained for a minimum period of five years and treated as confidential in accordance with the Institute's Privacy Policy.
7. All parties to a complaint or appeal proceeding will be allowed supervised access to all records of the complaint or appeal on written request to the Office of the Registrar.
8. The cost of the Four Stages of the process will be free of charge. The cost of external appeal (Stage 4) will be borne by the Appellant but reimbursed by the Institute if found in the Appellant's favour.
9. Complaint proceedings may not be run concurrently. Where a grievous complaint is lodged to delay another proceeding, it will be dismissed on the grounds that it is frivolous and lacking substance.

## **Complaints & Appeals Procedures for Non-Academic Matters**

The Institute's framework for dealing with non-academic complaints and appeals is broken down into four stages designed to process and determine complaints and appeals in a timely manner, with fairness and protection for all concerned parties.

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|----------|---|
| Stage 1: | Informal approach to the person(s) directly involved        |
| Stage 2: | Lodging a formal complaint with the Office of the Registrar |
| Stage 3: | Lodging an internal appeal to the Appeals Committee         |
| Stage 4: | Making an external appeal to an External Reviewer           |

Complainants are encouraged to seek the resolution of any academic matters informally with the person(s) directly involved (Stage 1) before initiating a formal complaint request under Stage 2.

During the complaints and appeals process, a student's enrolment status will be maintained, and the student must continue their studies for the duration of the process, except where their health or safety is potentially at risk or the matter poses a health or safety risk to others.

Where the Complainant or Appellant is an international student, and their complaint or appeal relates to not meeting course progression requirements or not finishing their course of study within the registered duration, the student will be notified in writing of ICAT's intention to cancel the student's enrolment and electronic Confirmation of Enrolment (eCoE) which will inform the Department of Home Affairs (DHA). In this event, the student will be advised that they have twenty (20) working days to access the Institute's complaints and appeals process.

### **1. Stage 1: Informal approach to the person directly involved**

In the first instance, complaints should be discussed with the person(s) involved to settle the matter directly. When trying to settle a complaint directly, the Complainant should:

- Clearly identify the issue (complaint)
- Outline a process to resolve the issue
- Propose an outcome that they believe will settle the matter

If the circumstances are such that direct discussion is impractical, or the Complainant has concerns about approaching the person(s) directly, then the complaint should be submitted to

the Office of the Registrar at [registrar@icat.edu.au](mailto:registrar@icat.edu.au) within five (5) working days of the event or the publication of results (grades) for the trimester.

The complaint should:

- Clearly identify the issue
- Outline a process to resolve the issue
- Propose an outcome that they believe will settle the matter

The Registrar will acknowledge receipt of the complaint within two (2) working days of receipt of the email and refer the matter to the appropriate staff member.

The arrangement is free of charge, and every effort will be made to provide an outcome within ten (10) working days of receiving the complaint.

If the informal approach does not lead to an acceptable resolution, the Complainant may progress to Stage 2.

## 2. Stage 2: Lodging a formal complaint with the Office of the Registrar

Complainants wishing to lodge a formal non-academic complaint must do so in writing by completing a 'Formal Complaint Form' within five (5) working days of receiving the outcome of the complaint submitted to the Office of the Registrar in Stage 1.

The form must be completed in full and include the following information to assist with any investigation and the determination of a reasonable resolution:

- A clear description of the complaint, including date, location and person(s) involved
- A summary of the steps taken to date to try to resolve the complaint informally
- A proposed resolution that they believe will settle the complaint
- Attach any documentation in support of the complaint or proposed resolution

The completed form and any supporting documentation must be submitted to the Office of the Registrar via email to [registrar@icat.edu.au](mailto:registrar@icat.edu.au). Applications are only considered complete and eligible for consideration when all sections have been filled in and signed by the Complainant. Incomplete applications will not be processed.

A Complainant may withdraw a non-academic complaint at any stage by giving written notice to the Office of the Registrar.

### 2.1. Review and consideration of the formal complaint

The complaint form is checked for completeness by the Office of the Registrar at the time of submission. It is the responsibility of the Complainant to provide a clear description of the complaint and to keep a copy of the form and any supporting documentation submitted. The Registrar will acknowledge receipt of each completed application and refer the matter to a Responsible Officer (RO) within two (2) working days.

### 2.2. Referral of the matter to a Responsible Officer (RO)

The Office of the Registrar will forward the Formal Complaint Form and attachments to an RO within two (2) working days of acceptance and record the complaint in the Complaints and Appeals Register. In most cases, the RO will be a Head of Faculty. If a complaint is lodged against a Head of Faculty, the Registrar will refer the matter to the Dean.

### **2.3. Investigation of the complaint**

The RO will investigate the matter within five (5) working days of acceptance of the Formal Complaint Form by the Office of the Registrar. The RO will attempt to resolve the matter through investigation and conciliation and may also refer the Complainant to the appropriate support services during this process.

In conducting the investigation, the RO may engage in several activities to gather and test information in relation to the matters, such as, but not limited to:

1. A review of Institute policy and/or procedure
2. A review of course materials, assessments and/or evaluations
3. Interview and discussion with other members of staff and/or students
4. A formal meeting with all or some of the parties to the complaint
5. Seek external expert advice

The RO will maintain a file of all correspondence and communication in relation to their investigation.

If the RO is unable to investigate the complaint due to insufficient information or clarity of information, the Complainant will be advised in writing within five (5) business days of the acknowledged receipt of the Formal Complaint Form outlining what is required for the investigation to continue.

### **2.4. Notification of the decision and offer of resolution**

In all cases, ICAT will provide a written communication to the Complainant advising the outcomes of any complaint investigation, an offer of resolution, the reasons for the decision and their right to appeal.

The RO will draft the appropriate communication using the Complaint Outcome Template Letter and forward the signed copy to the Office of the Registrar to record the outcome in the Complaints & Appeals Register. The Office of the Registrar will forward the letter to the Complainant.

### **2.5. Respond to the Complaint Outcome Letter**

The Complainant must accept or decline any offer of resolution within ten (10) working days of the date of their Complaint Outcome Letter.

#### **2.5.1. The Complainant accepts the Institute's decision and offer of resolution**

If the Complainant accepts the offer of resolution as outlined in their Complaint Outcome Letter, they must formally accept the Institute's decision and acknowledge their understanding of any implications by signing and returning a copy of the letter to the Office of the Registrar.

On receipt of the signed acknowledgement, the resolution(s) will be implemented immediately. The implementation of the accepted resolution(s) will be managed by the RO and the Office of the Registrar.

## 2.5.2. The Complainant rejects the Institute's decision and offer of resolution

Complainants have the right of appeal if they believe their complaint has not been adequately resolved.

If the Complainant rejects the resolution offer outlined in their Complaint Outcome Letter, they may appeal the Institute's decision to the ICAT Complaints & Appeals Committee. The appeal must be submitted in writing using the 'Application to Appeal' form within twenty (20) working days from the date of the Complaint Outcome Letter.

Where the Complainant is an international student, and the outcome of their appeal or complaint may affect their course progression or ability to complete their course in the registered duration shown on their eCoE, ICAT will not report any changes in PRISMS during this time. However, if the appeal is unsuccessful, enrolment will be cancelled and access to all Institute services will be withdrawn at the end of the appeal process. ICAT will also report the change to enrolment to the Department of Education via PRISMS within five (5) working days of the end of the appeal process.

## 3. Stage 3: Lodging an internal appeal to the Appeals Committee

An appeal against an academic determination as a result of a formal non-academic complaint process (Stage 2) may be made on the following grounds:

1. The RO for the matter has not communicated a decision within twenty-five (25) days of the acceptance of the Formal Complaint Form in relation to the complaint.
2. There is new evidence of a relevant nature that was not available during the process at Stages 1 and 2.
3. The determination was made without considering the facts, evidence, or circumstances.
4. There was bias, prejudice or a conflict of interest by the RO.
5. A significant irregularity of policy or procedure occurred during the investigation.

ICAT will not accept an appeal against a determination when the 'Application for Appeal' has been made outside the time allowed for the lodgement of an appeal or where the appeal is based on the following claims:

- The unit structure and assessment method
- Student workload or the amount of work the student has done
- The financial implication of failing a unit
- Grades received by the student in other units
- Penalties imposed for poor attendance or academic integrity, such as plagiarism
- The need for more marks to achieve a pass or better grade in the unit

### 3.1. The Appeals Committee

The Appeals Committee is a sub-committee of the Academic Board and shall consist of four persons, each of whom has had no prior involvement in the matter being heard – the Dean (Chair), a Head of Faculty, a Senior Academic Staff Member, and a member of Senior

Management. Where the matter being heard is in relation to the Dean, the Appeals Committee shall be chaired by the Chair of the Academic Board.

All members of the Appeals Committee are required to declare any conflict of interest in relation to any matter brought before the Appeals Committee if a conflict exists. Where a conflict of interest exists, the member may be required to withdraw from hearing that matter, and the Chair of the Appeals Committee will nominate an alternate.

The Appeals Committee shall hear the appeal within ten (10) working days of receipt in accordance with the procedures detailed below.

The decision of the Appeals Committee shall be final. If necessary, the Appeals Committee Chair shall have a casting vote. The Appeals Committee Chair shall seek to ensure that any actions arising from the decision of the Appeals Committee are taken within the timescale identified in the report and shall report any failure to complete actions to the Academic Board.

### **3.2. Lodging an appeal application to the Office of the Registrar**

Where the Appellant is appealing the decision of the RO, they must lodge an 'Application to Appeal' form within twenty (20) working days of receiving their Complaint Outcome Letter.

Where the Appellant is appealing the lack of decision by the RO within the required timeframe, they must lodge an 'Application to Appeal' form within thirty (30) working days of the acceptance of their Formal Complaint Form.

### **3.3. Submitting an appeal application form**

Appellants wishing to lodge an appeal to the Appeals Committee must complete an 'Application to Appeal' form, which can be downloaded from the Institute website. The appeal form must provide the following information to assist with the investigation and determination of a resolution:

- A clear description of the complaint, including date, location and person(s) involved
- A statement of their grounds for appeal
- A proposed outcome that they believe will settle the issue
- Attach any documentation in support of the complaint or proposed outcome

The completed form and any supporting documentation must be submitted to the Office of the Registrar via email to [registrar@icat.edu.au](mailto:registrar@icat.edu.au). Applications are only considered complete and eligible for consideration when all sections have been filled in and signed by the Appellant. Incomplete applications will not be processed.

An Appellant may withdraw a non-academic complaint at any stage by giving written notice to the Office of the Registrar.

### **3.4. Check application for completeness and acknowledge receipt**

The appeal application is checked for completeness by the Office of the Registrar at the time of submission. All forms are required to be completed and signed. The Appellant must provide a clear description of the circumstances, the reasons for the appeal and keep a copy the form and supporting documentation. The Registrar will acknowledge receipt of each completed application at the time of submission, record the appeal in the Complaints

& Appeals Register, and forward the completed application to the Chair of the Appeals Committee within two (2) business days.

### **3.5. Assessment of the Appeal**

The Appeals Committee Chair will review the appeal within ten (10) working days of acceptance of the completed appeal application by the Registrar and will make one of the following determinations:

#### **3.5.1. Accept the appeal for hearing and determination**

Where the appeal is accepted for hearing and determination, the Appeals Committee Chair will advise the Appellant and all relevant parties in writing within five (5) working days of the following:

- The accepted grounds for appeal.
- The date, time and location of the appeal hearing (at least ten (10) working days from the date of the letter).
- The deadline for submission of any additional evidence by any relevant party (no later than seven (7) working days before the hearing date).
- The right of all relevant parties to bring a support person of their choosing, but not legal representation, unless permission is granted in writing by the Appeals Committee Chair.

The Appeals Committee Chair will forward the appeal and all related documents to the members of the Appeals Committee and the Appellant five (5) working days before the hearing date.

#### **3.5.2. Refer the appeal to the RO for reconsideration where new evidence has been presented at the internal appeal stage**

Where the appeal is referred to the RO for reconsideration, the RO will review the appeal and either reconfirm the initial decision or overturn the initial decision. The Appellant will be advised of the decision in writing within ten (10) working days.

#### **3.5.3. Deny the appeal**

Where the appeal is denied for hearing and determination, the Appeals Committee Chair will advise the Appellant in writing within five (5) working days of the reasons for denying their application, thereby enforcing the decision reached at Stage 2, with copies to the relevant parties.

### **3.6. The Hearing**

The Appeals Committee Chair will be responsible for conducting the appeal proceedings to meet the circumstances of the case and the requirements of natural justice.

The Appellant will be allowed to address the Appeals Committee, and their support person may assist them in stating their case.

Any party to the appeal may request an adjournment. The Appeals Committee will consider any such request and determine as the Committee sees fit to meet the circumstances of the case and the requirements of natural justice.

### 3.7. Decision by the Appeals Committee

The Appeals Committee may determine the appeal on the same day as the hearing or may reserve its decision to a later date.

In determining their decision, the Appeals Committee shall establish the exact nature of the complaint, establish the facts as far as it is possible to do so and consider the evidence presented at the hearing. The decision of the Appeals Committee on any matter shall be by a majority vote, with each member of the Committee entitled to one vote. If necessary, the Appeals Committee Chair will have the casting vote and the decision of the Appeals Committee shall be final.

The Appeals Committee Chair will report its decision in writing to the Office of the Registrar within five (5) working days, with copies to all relevant parties.

### 3.8. Enforcement of the decision

The Appeals Committee Chair will seek to ensure that any action(s) arising from the decision of the Appeals Committee are taken within the timescale identified in their written determination and shall report any failure to complete actions to the Academic Board.

## 4. Stage 4: Lodging an appeal for External Mediation & Dispute Resolution

If the Appellant is dissatisfied with the outcome of the internal appeal process and the determination of the Appeals Committee, they may elect for the matter to be resolved through external mediation.

### 4.1. Domestic Students

The external mediation and dispute process will be facilitated by the Resolution Institute, the national association of dispute resolvers. ICAT is a member of their domestic and international Student Mediation Schemes.

Appellants who wish to lodge an external appeal for mediation should contact the Resolution Institute directly. They refer them to a suitable mediator to begin the process of dispute resolution:

#### **Contact Details**

Resolution Institute Head Office  
Level 1, 13-15 Bridge Street  
Sydney NSW 2000

Toll-free call 1800 651 650  
International call +612 9251 3366  
[infoaus@resolution.institute](mailto:infoaus@resolution.institute)  
[www.resolution.institute](http://www.resolution.institute)

The Appellant may ask another person to accompany them to meetings with the mediator. The support person, however, is not the primary party and can only speak at the External Mediator's discretion.

ICAT agrees to participate in the mediation process and be bound by the recommendations of the External Mediator. The Dean will ensure that recommendations are followed within fourteen (14) working days of receipt of the External Mediation Report.

The referral service offered by the Resolution Institute is free of charge. The External Mediator will charge a fee for their service, which is to be borne by the Appellant. ICAT will reimburse the costs if the recommendations are found in the complainant's favour.

If a non-academic complaint remains unresolved after the external mediation and dispute resolution process, the Appellant may decide to refer the matter to an external agency, such as the Administrative Appeals Tribunal, NSW Ombudsman, Victorian Ombudsman, NSW Anti-Discrimination Board; NSW Office of Fair Trading; Victorian Ombudsman; Victorian Equality Opportunity & Rights Commission and Victorian Consumer Affairs.

#### 4.2. International Students

International students who wish to lodge an external appeal against the internal appeal process and the determination by the Appeals Committee may contact the Overseas Students Ombudsman. The Overseas Students Ombudsman offers a free and independent service for international students who wish to lodge an external appeal against a decision made by their education provider.

##### **Contact Details**

Overseas Student Ombudsman  
GPO Box 442  
Canberra ACT 2601

Toll-free call 1300 362 072 or (+612 6276 0111)  
ombudsman@ombudsman.gov.au  
www.oso.gov.au

## **Related Documents**

- Competition and Consumer Act 2010
- Higher Education Standards Framework (Threshold Standards) 2021
- Higher Education Support Act 2003
- TEQSA Act | Tertiary Education Quality and Standards Agency
- Education Services for Overseas Students Act 2000
- Education Services for Overseas Students Regulations 2019
- National Code of Practice for Providers of Education and Training to Overseas Students 2018
- Privacy Act 1988

## Change and Version Control

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1.0	22/02/2023	Compliance & Quality Assurance Manager	Acting Head of Governance & Compliance	Minor amendments to accommodate changes to branding, entity name, registered business names and terminology

## Policy Information

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## Appendix

- Appendix 1 - Flowchart of the Complaints and Appeals Process

Appendix 1 – Flowchart of the Complaints and Appeals Process

