

# The Migration Agents Capstone Assessment Manual

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## Definitions and abbreviations

In this manual the following definitions and abbreviations are used.

**Academic misconduct** – conduct that the higher education community in Australia would ordinarily regard as dishonest, dishonourable or improper in accordance with the accepted standards of academic integrity in the higher education sector. It includes but is not limited to:

- cheating
- plagiarism in assessable work
- collusion in assessable work
- failure to adhere to the College's policies and procedures relating to candidates in such a way as to obtain unfair academic advantage
- tampering or attempting to tamper with examination papers, marks or records
- impersonation of or by another candidate or person in an assessment
- use or attempted use of any material or equipment during any assessment activity, that is stated not to be permitted in the assessment instructions or by a member of College staff
- unauthorised communication or attempted communication with another person during an assessment
- engaging in any other improper academic conduct.

**Assessment** – written or oral assessment component.

**Appeals Committee (AC)** - the committee established to hear appeals in relation to findings of academic misconduct or unsatisfactory academic conduct. The committee is comprised, from time to time, of:

- the Principal or his or her nominee; as chair
- a lawyer, not being a member of College staff, nominated by the Chair of the Board of Governors
- a senior member of academic staff, nominated by the Chair of the College of Law Academic Board.

**Candidate** – a person enrolled in the Migration Agents Capstone Assessment.

**Cheating** – dishonest conduct, including but not limited to:

- communicating, or attempting to communicate, with another candidate during an assessment;
- reading, or attempting to read, another candidate's assessment work;
- obtaining, using or distributing unauthorised notes, answers or other material during an assessment;
- stealing the work of another candidate;
- unauthorised collaboration in creating an item of assessment;
- acting so as to subvert the assessment process or obtain an unfair advantage over other candidates in the creation or performance of any item of assessment.

**Chief Academic Officer** – the person holding the position of senior academic responsibility reporting directly to the Principal.

**College** – The College of Law Limited trading as The College of Law.

**College Board** – the Board of Governors of The College of Law Limited.

**College of Law Academic Board (COLAB)** – the committee established by the College Board to oversee all curriculum matters, including educational policy, assessment and appeals.

**College premises** – in:

- Australian Capital Territory –the University of Canberra, University Drive, Bruce 2617;
- New South Wales –2 Chandos Street, St Leonards 2065 or Level 16, 111 Elizabeth Street, Sydney 2000;
- Queensland –Level 5, Wesley House, 140 Ann Street, Brisbane 4000;
- South Australia –Level 24, 91 King William St Adelaide SA 5000;
- Victoria –Level 1, 555 Bourke St, Melbourne 3000;
- Western Australia –Ground Floor, Durack Centre, 263 Adelaide Terrace, Perth 6000;
- Auckland, New Zealand –Level 8, 3 City Rd, Auckland NZ 1010.

**College staff** – includes employees and, as appropriate, persons carrying out duties on behalf of the College.

**Collusion** – inciting, assisting, facilitating, concealing or otherwise being involved with another person in an act of unsatisfactory academic conduct, or academic misconduct. For example, two candidates will have colluded when one candidate provides a copy or draft of an answer to an assessment to another candidate or prospective candidate. In addition, a candidate must not collude with a person who is not a candidate, such as a lawyer or registered migration agent. Submission by more than one candidate of substantially similar items of coursework may be evidence of collusion. Collusion in assessable work may constitute academic misconduct.

**External Appeals Panel** – the final avenue for appeals at the College, appointed to consider appeals from the AC. The External Appeals Panel consists of two external academics appointed by the Chair of the College Board.

**Plagiarism** – the passing off by a candidate of someone else's work as their own, whether intentionally or not. It includes but is not limited to the copying, summarising or use of someone else's work or ideas without acknowledgment in any item of coursework, whether in whole or in part and whether assessable or not. Plagiarism in assessable work may constitute academic misconduct.

**Office of the Migration Agents Registration Authority (OMARA)** – the industry regulator for Australian migration agent services.

**Principal** - the CEO and principal academic officer of the College, responsible to the College Board for implementing the decisions of the Board.

**Program Director** – the Executive Director, Practitioner Education, responsible to the Chief Academic Officer, the Principal and the College Board for the implementation, conduct and assessment of Applied Law Programs and Migration Agents Capstone Assessment.

**Student Liaison Officer** – a member of the College academic or executive staff, whose role is to give candidates guidance in the conduct of complaints and disputes.

**Unsatisfactory academic conduct** – conduct in the assessment, including collusion and

plagiarism, not amounting to academic misconduct within the College definition but unsatisfactory in relation to assessment objectives and requirements.

# The Contractual Relationship between the College and the Candidate

## 1. Policies and Procedures relating to Candidates

### 1.1 Enrolment in the written assessment component

- 1.1.1 Candidates must successfully complete the written assessment component before they can be enrolled to undertake the oral assessment component within the same intake.
- 1.1.2 Except where otherwise provided for by the College, an application for enrolment must be made in accordance with the policy and procedures of the College.
- 1.1.3 In order to enrol in the Migration Agents Capstone Assessment, you must complete a Graduate Diploma in (Australian) Migration Law and Practice, Master of Australian Migration Law and Practice or Graduate Certificate in Australian Migration Law and Practice.
- 1.1.4 At the time of enrolment in the Migration Agents Capstone Assessment (Capstone Assessment) you must provide to the College evidence that you successfully completed Graduate Diploma in (Australian) Migration Law and Practice, Master of Australian Migration Law and Practice or Graduate Certificate in Australian Migration Law and Practice. The College will accept the following:
  - A certified copy of your official graduation Testamar; or
  - A certified copy of your, Official Academic Transcript, which confirms successful completion of the award; or
  - In the event that your Academic Transcript does not confirm successful completion, you will need to submit a certified copy of your Academic Transcript and a copy of your completion letter.
- 1.1.5 In addition to the evidence of successful completion of the prescribed qualification, you must also submit the following documents during your enrolment:
  - A passport-sized photo; and
  - A certified copy of the bio data page of your passport or Australian photo identification document in full colour.
- 1.1.6 Failure to meet the requirements of clauses 1.1.4 and 1.1.5 will, in addition to any other consequences relating to a candidate's non-compliance with College policies and procedures, prevent or delay enrolment.
- 1.1.7 You must complete and lodge an Application for Enrolment on or before the last day to enrol as specified, unless you have been granted permission by the College to submit a late application for enrolment. Your application must contain all the necessary documentation as outlined earlier.

- 1.1.8 Once your application is assessed and approved, you will be provided with payment details. You must pay the entire enrolment fee for the written assessment once your application is confirmed. Your place in a given intake **will not** be guaranteed until the payment is received. Payment must be made on or before the last day to enrol in the written component of the assessment only.
- 1.1.9 You are deemed to be enrolled in the Capstone Assessment intake nominated on your current application for enrolment form, subject to any variations the College may later approve (e.g. transfer and re-sit).
- 1.1.10 Before commencement of each intake, the College confirms candidate's eligibility to sit the Capstone Assessment with the Office of the Migration Agents Registration Authority (OMARA). Enrolment in the Capstone Assessment indicates your consent for the College to confirm your eligibility to enrol with the OMARA.

## **1.2 Enrolment in the oral assessment component**

- 1.2.1 Candidates can proceed to enrol in the oral assessment component only after they have successfully completed the written assessment component in the same intake.
- 1.2.2 Once results for the written assessment are released, successful candidates will be directed to pay for the oral assessment component to finalise enrolment.

## **1.3 Withdrawal, Refund and Transfer**

- 1.3.1 Candidates should choose their intake carefully and keep a note of the last day to withdraw from the assessment component of the intake without penalty.
- 1.3.2 In order to withdraw from the Capstone Assessment (either the written or the oral assessment component), candidates must submit their application to withdraw in writing to the Client Services Team.
- 1.3.3 Where an application to withdraw is received by the College before the last day to withdraw without penalty, no penalty will apply. Candidates will be provided with the full refund of the enrolment fee.
- 1.3.4 In the event that the application to withdraw is received by the College by 4pm AEDT on the last day to withdraw with penalty, a withdrawal fee of \$400.00 will apply. Candidates will receive the refund of their enrolment fee (for the relevant component) less the withdrawal fee. No refunds will be available for applications to withdraw after this date.
- 1.3.5 In the event of circumstances beyond candidate's control, candidates are invited to apply for special consideration under paragraph 3.10 of this Manual.
- 1.3.6 Candidates can apply to transfer to another intake free of charge until the last day to withdraw without penalty. In the event that the application to transfer is received by the College by 4pm AEDT on the last day to withdraw with penalty, a \$400 transfer fee will apply. After this date no transfers are possible except for special consideration circumstances.

1.3.7 No transfers are available for the oral assessment component.

# Assessment Requirements, Assessment and Administration

## 2. Assessment requirements

### 2.1 Assessment structure

- 2.1.1 The Migration Agents Capstone Assessment consists of two compulsory components: written assessment component and oral assessment component, which must be completed within the same intake
- 2.1.2 Candidates must pass the written assessment component before they can enrol in the oral assessment component.
- 2.1.3 Both components must be successfully completed within the same intake.
- 2.1.4 To pass the Capstone Assessment, you must achieve the following:
  - 65% or more in the written assessment component overall; and
  - 65% or more in the oral assessment component overall.
- 2.1.5 Detailed information regarding the dates and process of the assessment is available as part of the relevant Intake Guide and on the Learning Portal (once enrolled).

### 2.2 Extensions policy

- 2.2.1 No extensions are provided for completion of any part of the assessment (oral and written assessment components). In the event that a candidate submits their assessment after the due date/time (whether it is written assessment component or the file note of the oral assessment component), a mark of 0 will be given to the late submission. In the event of circumstances outside of a candidate's control, candidates are advised to apply for special consideration to the Program Director as outlined under paragraph 3.10 of this Manual.

### 2.3 Assumed knowledge

- 2.3.1 When a candidate enrolls in the Migration Agents Capstone Assessment, it is assumed that they possess a minimum level of skills and knowledge that is defined in the Occupational Competency Standards for Registered Migration Agents (published on the OMARA website). If you do not have these skills and/or knowledge, it is suggested that you defer completion of the Capstone Assessment until these skills and knowledge are achieved.
- 2.3.2 Furthermore, it is also assumed that candidates are competent in spoken and written English. Therefore, the College strongly advises any candidate to defer completion of the Capstone Assessment, if they do not have the following level of English:
  - A minimum of overall test score of 7 in the International English Language Testing System (IELTS) in the Academic module, with a minimum score of 6.5 in each subtest (speaking, listening, reading, writing); or
  - A minimum overall test score of 94 in the Internet Based Test of English as a Foreign

Language (TOEFL) (IBT), with a minimum score of:

- 20 in speaking;
- 20 in listening;
- 19 in reading;
- 24 in writing.

2.3.3 Candidates are advised to refer to the OMARA website for information regarding registration requirements.

### **3. Assessment policies and procedures**

#### **3.1 Identification at assessments**

- 3.1.1 You must supply photo identification (i.e. passport photo page, driver's licence or proof of age card) at the time of your enrolment. At the beginning of the oral assessment component you will be asked to hold up your ID to the camera. The assessor will take a screenshot of your face and your ID that is visible and readable. This ID will then be cross-checked with the photo identification document(s) that you provided at the time of enrolment.
- 3.1.2 If you do not provide acceptable identification during your oral assessment, you will be excluded from this assessment component and awarded a mark of 0. In the event that the assessor is unable to verify your identity, the oral assessment cannot continue.

#### **3.2 Compliance with ethical standards**

- 3.2.1 Candidates should be aware that the College retains a discretion to fail a candidate where either responses to assessment questions and/or conduct during the assessment process demonstrates an unwillingness or inability to comply with ethical standards, including those specified in the Migration Agents Code of Conduct.

#### **3.3 Moderation of the results**

- 3.3.1 All assessment components of the Migration Agents Capstone Assessment will go through internal and external moderation processes prior to the results being released. In the event of a significant discrepancy in marks achieved in the written and oral assessment components, the assessor may contact these candidates to go through their submissions. By submitting work for the Capstone Assessment, you are warranting to the College that the work is your own. All sources and quotations should be properly acknowledged and referenced to avoid the implication that you may be presenting the work of others as your own. There are potentially very serious consequences for candidates found to have engaged in unsatisfactory academic conduct or academic misconduct, including exclusion from the Capstone Assessment and, in appropriate circumstances, reference to the OMARA.

#### **3.4 Absence from an assessment**

- 3.4.1 Absence from an assessment on the scheduled date attracts a mark of 0.
- 3.4.2 If through circumstances beyond your control you are unable to attend an assessment on the scheduled date you must:
- notify the Program Director in writing, on the date of your assessment, and
  - submit a Medical Certificate and/or other relevant evidence. All documents submitted must be in English.
- 3.4.3 The Program Director may make any special arrangements as he/she thinks fit under

Special Consideration policy outlined under paragraph 3.10 of this Manual.

### **3.5 Illness during an assessment**

- 3.5.1 Your attempt of the written and/or oral assessment components on the scheduled dates constitutes a declaration that you are fit to do so. In the event that you are taken ill **during** the completion of the written assessment or the oral assessment components on the scheduled dates or were unable to make a reasonable judgment in relation to your fitness to sit the assessment at that time, you may be able to apply for special consideration. Your application will need to be received on the day of your assessment and it must be accompanied by a Medical Certificate and/or other relevant evidence.
- 3.5.2 The Program Director will not alter the result of the assessment but may permit you to attempt another equivalent assessment in a later intake on such conditions as he/she sees fit.

### **3.6 Disability and Disadvantage**

- 3.6.1 If you require special assistance because you suffer from a disability or disadvantage (not including lack of skills in reading and/or writing English) which might cause you difficulties in examinations or assessment tasks, you must request and lodge a written application including a Disability Verification Statement to the Program Director at least 28 days before the written assessment component. You must include a Medical Certificate and/or other relevant evidence in your application.
- 3.6.2 The Disability Verification Statement must be completed by a qualified and experienced Disability Health Professional, who is familiar and qualified to assess the condition (e.g. specialist or psychologist) and make recommendations.
- 3.6.3 The Program Director may make such special arrangements, facilities available or allow additional time for the assessment as he/she thinks fit.

### **3.7 Medical Certificates and Supporting Documents**

- 3.7.1 All Medical Certificates and supporting documents must specify the severity and duration of the complaint and its effect on your ability to undertake the assessment. The College will not accept a receipt for medical or hospital fees instead of a Medical Certificate. Medical Certificates and all supporting documents submitted must be in English.

### **3.8 Assessed work and notification of results**

- 3.8.1 Where possible you will be provided with constructive comments regarding your assessed work via the Learning Portal. Procedures are in place to ensure that marking is carried out fairly and consistently. Before marks are issued:
  - any inconsistencies in marking of examinations and other assessments are investigated,
  - failures are reviewed; and
  - moderation processes are completed.

3.8.2 On successful completion of the Capstone Assessment in its entirety, you will be notified by email and a completion letter will be sent to you by post.

### 3.9 Consequences of failure

3.9.1 If you fail the Migration Agents Capstone Assessment and you would like to undertake this Capstone Assessment again, you must:

- Contact the Client Services via email to re-enrol in another intake;
- pay the appropriate fees, and
- undertake the entire assessment again – both written and oral components (regardless whether you failed only the written or the oral component of the assessment).

3.9.2 If you fail the Migration Agents Capstone Assessment three times, whether by failing the written assessment or the oral assessment, you must apply to the Program Director for permission to undertake the Capstone Assessment for a fourth and/or any subsequent times. Your application should include the following:

- any reasons for your previous performance in the Capstone Assessment;
- documentary evidence of any hardship (e.g. medical evidence), if applicable;
- any reasons why you believe that you will be able to successfully complete the Capstone Assessment should you be allowed to enrol.

### 3.10 Special Consideration Applications

3.10.1 If you believe that your enrolment and/or performance in any component of the Capstone Assessment is being or has been significantly affected by illness, injury, misadventure or other circumstances outside of your control, which have/had an impact on your enrolment and/or performance in this Capstone Assessment and your ability to participate in the assessment, you may be eligible for special consideration.

3.10.2 Please submit your application for Special Consideration to the Program Director setting out your circumstances and enclosing supporting documents including Medical Certificates as set out in paragraph 3.7. You must apply as soon as you become aware of the circumstances and their impact.

3.10.3 Special circumstances **do not include** employment workload, new employment, technology problems, computer illiteracy, location (outside of Australia), travel plans or holidays.

3.10.4 The Program Director will consider your application and, if approved, advise of the proposed course of action, which may include (but is not limited to) withdrawal without penalty, transfer to the next intake or any other course of action as the Program Director thinks fit.

### **3.11 Recording of the oral assessment**

- 3.11.1 All oral assessments will be recorded by the College for the purposes of double-marking, moderation and for quality control. Candidates' participation in the oral assessment constitutes consent to the video recording. Candidates are not permitted to record the oral assessment.

### **3.12 Reporting of pass results to the Office of the Migration Agents Registration Authority**

- 3.12.1 The College will provide the Office of the Migration Agents Registration Authority with a report of all candidates who successfully pass the Capstone Assessment. The report will include the following information: full name, university, qualification, the year of completion of the qualification and the date of successful completion of the Capstone Assessment. Enrolment and participation in the Migration Agents Capstone Assessment indicates candidates' consent for the College to provide the details mentioned earlier to the Office of the Migration Agents Registration Authority.

### **3.13 Transitional arrangements for Intakes 3 and 4 2019 – advanced standing**

- 3.13.1 Candidates who have successfully completed the written assessment component in the past by achieving 65% in Part C of the written assessment as well as achieving 65% overall for the written assessment component but failed the oral assessment component will be eligible for advanced standing.
- 3.13.2 Advanced standing will be available in either Intake 3 2019 or Intake 4 2019. Candidates can apply for advanced standing only once.
- 3.13.3 No advanced standing will be available after Intake 4 2019.
- 3.13.4 In the event that a candidate receives advanced standing in their preferred intake (Intake 3 2019 or Intake 4 2019) and fails to successfully complete the oral assessment component within the same intake, the candidate will be required to successfully complete the written assessment component before they can again attempt the oral assessment component.
- 3.13.5 In the event that a candidate receives advanced standing in Intake 3 2019 and then applies to transfer or withdraw and later enrol in Intake 4 2019, advanced standing will be applicable. Please see the relevant Intake Guide regarding the last day to withdraw or transfer without penalty.
- 3.13.6 In the event that a candidate receives advanced standing in Intake 4 2019 and then applies to transfer or withdraw and later enrol in a later intake, no advanced standing will be available in that intake. This means that the candidate will be required to successfully pass the written assessment component before they can undertake the oral assessment component within the same intake.

### **3.14 Access to the Learning Portal**

- 3.14.1 Access to the assessment is via the Learning Portal. You will have access to the Learning Portal over the period of the assessment. Access to the Learning Portal will be available for over a year, starting one week before the assessment commences and ends 12 months

after the assessment concludes. This allows for sufficient time to receive feedback on the assessment.

## Academic Conduct

### 4. Academic Conduct Policies and Procedures Relating to Candidates

#### 4.1 Unsatisfactory academic conduct and academic misconduct

##### 4.1.1 Procedure

4.1.1.1 All work which you submit as part of the Migration Agents Capstone Assessment must be your own work unless otherwise directed by the College. Please read carefully the definitions of Plagiarism, Collusion, Cheating, Unsatisfactory Academic Conduct and Academic Misconduct in the Definitions and Abbreviations section of this manual.

4.1.1.2 You must not:

- copy from or submit, or
- attempt to copy from or submit

the work of another candidate, ex-candidate or any other person.

4.1.1.3 You must not permit another candidate, ex-candidate or prospective candidate to have access to or submit your work or any part of it.

4.1.1.4 You must not acquire or be in possession of or distribute assessment materials or marking guides for any assessment task without the express permission of the College.

4.1.1.5 The College may require you to certify that work which you submit for assessment complies with this procedure.

##### 4.1.2 Unsatisfactory academic conduct

4.1.2.1 If the Program Director determines that there is a case to answer regarding an allegation of unsatisfactory academic conduct then the Program Director will:

- advise you of that determination in writing within seven (7) days;
- conduct the investigation; and
- report the result of the investigation to the Chief Academic Officer within fourteen (14) days of the initial determination.

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The Chief Academic Officer will then:

- consider the report;
  - review any relevant evidence;
  - conduct such further investigation (if any) as he/she thinks fit;
  - provide you with a reasonable opportunity to make oral and written submissions to him/her;
  - consider any submissions you may make;
  - make a finding as to whether there has been unsatisfactory academic conduct and, if so, a determination as to the penalty to be imposed; and
- 
- within 7 days of making the finding advise you in writing of the finding, including

his/her reasons for the finding and any determination as to penalty.

4.1.2.2 If the Chief Academic Officer determines that there has been unsatisfactory academic conduct, then he/she may:

- caution you;
- reprimand you;
- require you to re-submit any relevant item(s) of assessment;
- determine that your participation in the Capstone Assessment has been unsatisfactory and require you to enrol into a later intake to undertake the Capstone Assessment again; and/or
- report the investigation, findings and determination made to the OMARA.

#### **4.1.3 *Academic misconduct***

4.1.3.1 If the Program Director determines that there is an allegation of academic misconduct that warrants investigation, then the Program Director will –

- advise you of that determination in writing within seven (7) days;
- conduct a preliminary investigation; and
- report the result of the investigation to the Chief Academic Officer within fourteen (14) days of the initial determination.

4.1.3.2 The Chief Academic Officer will then:

- consider the report;
- conduct a further investigation including a review of any relevant evidence;
- provide you with a reasonable opportunity to make oral and written submissions to him/her;
- consider any submissions you may make;
- make a finding as to whether there has been academic misconduct and, if so, a determination as to the penalty to be imposed; and
- within seven (7) days of making the finding advise you in writing of the finding, including his/her reasons for the finding and any determination as to penalty.

4.1.3.3 If the Chief Academic Officer makes a finding of academic misconduct, then he/she may, depending on the nature and seriousness of the academic misconduct:

- caution you;
- reprimand you;
- require you to re-submit any relevant item(s) of the Capstone Assessment;
- determine that your participation in the Capstone Assessment has been unsatisfactory and require you to enrol into a later intake to undertake the Capstone Assessment again;
- award you a zero mark for the results of any or all components of assessment,
- withhold your results and/or feedback from the assessor(s);
- suspend you for a period between six (6) and 24 months;
- impose conditions in relation to your participation in the Capstone Assessment; and/or
- report the investigation, findings and determination made to the OMARA.

#### **4.1.4 *Collusion***

4.1.4.1 Where the allegation involves plagiarism but the Chief Academic Officer is unable to determine which of two or more candidates produced the impugned work, the Chief Academic Officer may make a finding against each candidate by reason of their collusion with each other.

#### **4.1.5 *Appeal rights***

4.1.5.1 You may appeal to the Appeals Committee against a finding that you have engaged in unsatisfactory academic conduct or academic misconduct, but only on one or more of the following grounds:

- the Chief Academic Officer proceeded contrary to these rules;
- the Chief Academic Officer failed to consider information which you put before him or her;
- the Chief Academic Officer misdirected himself or herself;
- the Chief Academic Officer has proceeded contrary to the rules of natural justice.

4.1.5.2 Your appeal must:

- be in writing;
- clearly state the grounds of the appeal; and
- be received by the College within 21 days of the date the College sends you notice of the decision against which you are appealing.

4.1.5.3 The Appeals Committee will send you written notice of the time, date and place of its meeting.

4.1.5.4 If you appeal, you have the right to appear personally before, and to address, the Appeals Committee, as well as the right to make a written submission to the Committee.

#### **4.1.6 *External Appeals Panel***

4.1.6.1 You may appeal to the External Appeals Panel against any decision of the Appeals Committee, including a decision relating to a finding of unsatisfactory academic conduct or academic misconduct, but only on one or more of the following grounds:

- the Appeals Committee has proceeded contrary to these rules;
- the Appeals Committee has failed to consider information which you have put before it;
- the Appeals Committee has misdirected itself;
- the Appeals Committee has proceeded contrary to the principles of natural justice;
- assessment requirements or procedures were changed contrary to these rules.

4.1.6.2 Your appeal must:

- be in writing;
- clearly state the grounds of the appeal; and
- be received by the College within 21 days of the date the College sends you notice of the Appeals Committee's decision.

4.1.6.3 In normal circumstances, an appeal to the External Appeals Panel will be via submission

of written statements by the candidate and the chair of the Appeals Committee.

- 4.1.6.4 If you appeal, you may apply to appear personally before, and to address, the External Appeals Panel in addition to making a written submission. Permission to appear personally (or via video or teleconference) and to address the External Appeals Panel is not to be unreasonably withheld.
- 4.1.6.5 In normal circumstances, the External Appeals Panel will make its decision and advise you in writing of the decision within 14 days of receiving your written submission or of your appearance in person, whichever is the later.

## Complaints and Disputes

### 5. Complaints and Disputes Policies and Procedures Relating to Candidates

#### 5.1 Candidate complaints and disputes

##### 5.1.1 *Policy and guidelines*

5.1.1.1 The College's complaints and disputes policy applies to all complaints, whether non-academic or academic, brought by candidates.

##### Policy

5.1.1.2 This policy applies to all candidates and irrespective of the location where the matter complained of has arisen or a candidate's place of residence.

5.1.1.3 For all complaints and disputes, non-academic and academic, the College will apply the following principles, which comprise its complaints and disputes policy:

- resolution will be sought at the most appropriate level commensurate with the seriousness of the complaint;
- the principles of natural justice will be observed;
- documentation will not be necessary at the initial stage, but will be required if a complaint is of a serious nature, or is not readily resolved;
- confidentiality will be preserved to the extent possible to achieve resolution of the complaint;
- the College will take steps to ensure that neither the complainant nor the respondent will be victimised or discriminated against;
- both the complainant and the respondent may be accompanied and assisted by a third party if desired;
- both the complainant and the respondent may request reasons for decisions to be in writing at any phase of the process;
- the College will ensure that all staff are aware of these principles and procedures;
- nothing in the policy and the guidelines, processes and procedures pursuant to the policy affects a candidate's rights to seek remedies at law where available.

##### Guidelines

5.1.1.4 For all complaints and disputes, non-academic and academic, the College will follow these guidelines in applying the complaints and disputes policy:

- where the complaint relates to a staff member, the College will not discuss it with that staff member nor reveal the candidate's identity without first advising the candidate;
- written material will be kept confidential and will not be shown to anyone who is not directly involved in handling the complaint. When the complaint is finalised, all written material will be placed on a confidential file (not the candidate's or staff member's personal file), and kept on file for a period of five years. During this time, the materials will be treated as confidential documents accessible only to interested parties. After five years, the file and materials will be destroyed;
- the assistance of the Student Liaison Officer will be sought, where appropriate, with the candidate's consent;
- where a complaint involves an allegation of serious misconduct by a staff member,

- the Program Director will report the matter to the Principal, and will take no further action unless directed by the Principal;
- the College will not act if the complaint relates to circumstances outside:
  - the Capstone Assessment or terms of staff employment, and/or
  - the candidate's capacity as a candidate;
- meetings may be by tele or video conference where most convenient to all parties.

#### **5.1.2 *Student Liaison Officer***

- 5.1.2.1 The name of the current Student Liaison Officer, who can give you guidance in the conduct of complaints and disputes, can be obtained from the relevant Program Director (the Student Liaison Officer is currently the Director, Academic Policy and Quality). If you have a grievance or complaint that cannot be resolved internally, the College will advise you of the appropriate body where you can seek further assistance.

#### **5.1.3 *Non-academic complaints and disputes procedure***

- 5.1.3.1 If you have a complaint relating to:

- a system(s) issue; or
- any other matter which is not academic in nature

you may bring the complaint to the Program Director or his/her delegate for consideration in confidence by submitting a Disputes Form. You must lodge your dispute within 5 calendar days from the release of the final marks for the relevant assessment component in which you are enrolled.

- 5.1.3.2 After you have supplied to the Program Director or their delegate sufficient particulars of the complaint for it to be adequately considered, the Program Director or their delegate will conduct the necessary investigation and will make a determination in relation to your complaint. You will be notified of the determination and any remedial action (if applicable) within 21 calendar days from the lodgement of the complaint.

#### **5.1.4 *Academic complaints and disputes procedure***

- 5.1.4.1 This clause does not apply to complaints and disputes concerning allegations of unsatisfactory academic conduct or academic misconduct against candidates, which are dealt with at 4.1.

- 5.1.4.2 If you are dissatisfied with the mark awarded in the written or the oral assessment component and you would like to appeal this mark, you must submit the Disputes Form requesting a re-mark of the relevant assessment component and include reference to your assessment and feedback. You can request a re-mark if you received 55% or above in the failed assessment component.

- 5.1.4.3 The request for a re-mark attracts a \$495.00 re-mark fee per assessment component.

- 5.1.4.4 The request for a re-mark must be submitted within 5 calendar days from the release of the final marks. Further assessor feedback will not be provided in the event of a re-mark(s).

5.1.4.5 If the re-mark results in a different mark, the highest mark will prevail and will be deemed to be the final mark. Once the final mark is confirmed, no further appeals will be allowed.

## Access to College Premises and General Conduct

### 6. Policies and Procedures Relating to Access and Candidates Conduct

#### 6.1 Privacy of candidate records policy

- 6.1.1 The College treats candidate's records as confidential.
- 6.1.2 Information in a candidate's records will only be used by College staff in fulfilling the legitimate and authorised purposes of the College. Unless authorised by legislation, a candidate's permission will be sought before disclosure of any information from that candidate's records.

#### 6.2 General

##### 6.2.1 Conduct

- 6.2.1.1 You must comply with the policies, procedures and rules of the College and any reasonable directive of the College or any of its staff.
- 6.2.1.2 You must not prejudice the good order and governance of the College or interfere with the freedom of other persons to pursue their assessment, carry out their functions, participate in the life of the College or pursue their rights to be on the premises.

##### 6.2.2 Intellectual property

###### Copyright and use of materials

- 6.2.2.1 All materials used in the Migration Agents Capstone Assessment are subject to copyright. Enquiries regarding materials should be directed to the Director, Content Design and Development.
- 6.2.2.2 Access to the College's Learning Portal and online materials are supplied exclusively to you solely for the purposes of participating as a candidate in the Capstone Assessment. You must not copy the materials, except for your own study purposes. You must not supply them to any other person or permit access to the site or materials to any other person without the prior written consent of the College. You must keep your User ID and Password confidential.

###### College logo

- 6.2.2.3 You must not use, depict or display the College logo except in a manner and circumstances first approved by the College.

### **Your work**

- 6.2.2.4 The College reserves the right to retain the original or one copy of work executed by you as part of the Capstone Assessment, or submitted for any award or competition conducted by the College. This retention does not affect any copyright or other intellectual property right that may exist in the work.

#### ***Sample assessment and candidates' assessment responses***

- 6.2.2.5 The College provides an approved sample of the written assessment component and the briefing note for the oral assessment component on its website. However, the College does not release past Capstone Assessments or candidates' written or oral assessment responses.
- 6.2.2.6 The release of candidates' assessment responses, if released, has the potential to give future candidates an unfair advantage, which is a violation of the policies of this Manual.
- 6.2.2.7 The College asserts its copyright in all assessment questions and does not grant candidates any permission to reproduce the assessments in any form including digitally.

### **6.2.3 Correspondence and notices**

- 6.2.3.1 You must quote your student number in all correspondence with the College. Correspondence and notices originating from the College will in most cases be electronic.

### **6.2.4 Change of contact details**

- 6.2.4.1 If you change your address (or other contact details) you must notify the Client Services Team in writing or by email to: [maca@collaw.edu.au](mailto:maca@collaw.edu.au). The College will not accept responsibility if communications fail to reach you because of a change of address or other contact details.

### **6.2.5 Evaluation**

- 6.2.5.1 The College actively seeks comprehensive feedback on all aspects of its programs including assessments, materials and administration. Your participation in the evaluation process is encouraged and appreciated. Changes are regularly incorporated as a result of feedback from students and candidates.

- 6.2.5.2 In order to provide feedback, you will be asked to complete a series of questionnaires at the end of the Capstone Assessment. You may also be approached for feedback by the College or market researchers on behalf of the College either during or after the Capstone Assessment. Your responses are confidential and will be used to develop and improve the Capstone Assessment.

- 6.2.5.3 If you have any comments, concerns or suggestions at any other time which you think would be helpful to us, please address them to the Program Director or the Client Services Team.

### 6.2.6 *Candidate profile pictures*

- 6.2.6.1 While candidates are encouraged to post a profile picture to their Learning Portal account, it is not mandatory. Candidate profile pictures must adhere to the Guidelines. The College of Law reserves the right to remove any profile picture that does not adhere to the following Guidelines:
- picture must be of the candidate only (i.e., may not include other individuals);
  - no images, clipart, or symbols should be used;
  - backgrounds and foregrounds of profile pictures should be neutral and non-distracting (no symbols, images or clipart); and
  - profile pictures must present the candidate in appropriate attire.