

Student Complaints and Appeals Policy

ADMIN USE ONLY

APPROVAL		
<i>Executed on original</i>		
Bronwyn Olliffe	Chair of the Academic Board	Date: 5 July 2023
Policy Title	Student Complaints and Appeals Policy	
Executive	Dean of Studies	
Manager	Program Manager	
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VERSION HISTORY

No.	Author	Description of change/purpose	Date
1.0		February 2023 Updated version	
1.1	David Montgomery	Additional wording regarding a students' support person during complaints/appeal meetings at Point 2 Updated UTS College Definition to include TEQSA Provider ID information	5 July 2023

POLICY PURPOSE

UTS College is committed to creating a supportive and open organisational culture, which values ethical and responsible management, transparency in decision-making processes, and a consistent, accessible, and fair complaints and appeals process. UTS College is equally committed to providing a learning environment in which complaints and appeals are responded to promptly and fairly.

This Policy is supported by the Student Complaints and Appeals Procedure (Academic) and the Student Complaints and Appeals Procedure (Non-Academic).

SCOPE

This policy applies to prospective and current UTS College students, staff, affiliates, and visitors in managing a student complaint.

Transnational Education partners must have a formal complaints and appeals policy that is aligned with this policy. Refer to the below policy for further details:

- Transnational Education Policy

This policy does not apply to appeals against decision made regarding breaches of Academic Integrity. For further details on Academic Integrity refer to the below policy:

- Academic Integrity Policy

What is a complaint?

A complaint is an expression of dissatisfaction made to UTS College, where a response is expected, about anything related to all aspects of a student's educational experience and learning environment at UTS College (whether at UTS College's Sydney campus or a campus offering UTS College courses outside Australia).

A complaint may arise from a matter (academic or non-academic) /incident that occurs on or off-campus. Students may lodge, for example, a complaint related to:

- the quality and/or delivery of their course of study or its assessments
- other students
- UTS College staff
- dealings with UTS College
- UTS College's education agents or any related party UTS College has an arrangement with to deliver the student's course or related services.

Note: Complaints by UTS Direct students relating to accommodation and/or welfare services will be managed by UTS College as per UTS College's Management of Student Incident Procedure. Complaints will be referred to UTS, where appropriate.

What is an appeal?

An appeal is a formal request for an academic or administrative decision to be reconsidered by UTS College. Students may lodge, for example, appeals related to:

- Services
- Administrative decisions (e.g. refunds, remission of FEE-HELP debt, release requests)
- Cancellation or suspension of enrolment
- Student misconduct
- A review of Academic grade
- Compliance with visa conditions.

DEFINITIONS are set out at the end of this policy.

POLICY PRINCIPLES

Principle
VALUES
1. UTS College seeks to ensure that all actions under this Policy: <ol style="list-style-type: none"> a. are based on values consistent with the UTS College Code of Ethics b. are underpinned by principles of mutual respect and procedural fairness c. meet regulatory requirements and are aligned with the NSW and Commonwealth Ombudsman's guidance advisories.
2. Parties to a complaint have the right to be: <ol style="list-style-type: none"> a. heard b. treated in an unbiased manner¹ c. informed of any complaint made which relates to them d. provided with an opportunity to respond to any complaint about them e. informed about the status of any complaint involving them f. accompanied and/or assisted by a support person during meetings involving complaints and appeals.
3. A person or committee investigating a complaint or appeal will do so as expeditiously as possible, consistent with the need to act fairly and follow due process.
4. UTS College views student complaints and appeals as providing an opportunity to review and improve its policies and practices, and to gain insight into student levels of satisfaction. To support this, if required, UTS College will provide an interpreter for the complaint or appeals process.
5. A student's enrolment must be maintained during the complaint resolution or appeal process unless the student chooses to withdraw or completes their study program.

¹This includes a Staff member/Affiliate not investigating or managing a complaint where they have an actual or perceived conflict of interest.

6. UTS College will take all reasonable steps to prevent students suffering any disadvantage (including through victimisation) because of lodging a complaint or appeal.
7. A person or committee managing a complaint or appeal will maintain confidentiality by not discussing it with more people than needed to address the matter (noting that in the case of a complaint, the complainant will be identified to the person they are complaining about unless the facts of the complaint are not in dispute).
8. Resolution of the complaint will usually consider the complainant's preferred process of resolution. However, there may be instances where a complaint is of such a serious nature that action beyond the wishes of the complainant is required (e.g. when a complaint is raised or relates to allegations of unlawful behaviour or corruption, or when UTS College's duty of care to staff or students may be compromised if no action is taken).
9. Anonymous complaints will only be acted upon where the matter is serious and where there is sufficient information to enable an investigation to be conducted.
10. To preserve impartiality in decision-making, where the Dean of Studies or Chief Operating Officer has assisted in the initial investigation of a complaint or appeal, they will not be party to any appeals review. Another member of the Executive will act in their stead.
COMPLAINTS MANAGEMENT AND SUPPORT
11. Complaints can be made: <ul style="list-style-type: none"> ▪ Verbally to any staff member or affiliate, or ▪ In writing to the Student Complaints Resolution Office (SCRO) at: scro@utscollege.edu.au
12. Students are encouraged to raise complaints at the earliest opportunity to the UTS College staff member/affiliate with the closest proximity to the event and/or with the ability to resolve the complaint.
13. UTS College's three-tier complaint model ensures that complaints are responded to in a timely and efficient manner at the lowest level required: <ol style="list-style-type: none"> a. Complaints that can be addressed by frontline Staff/Affiliates b. Complaints that need to be escalated to Frontline Managers by frontline staff/affiliates: <ol style="list-style-type: none"> i. If the complainant requests that a more senior person addresses the complaint ii. If the complaint is about the person receiving the complaint or a fellow team member iii. If the complaint involves an allegation of a criminal offence having been committed, corruption, serious or controversial conduct iv. If the complainant has engaged legal representation v. If the complaint cannot be resolved within 5 working days of being lodged c. Internal appeal reviews by the Executive where the complainant does not consider that the complaint has been addressed
14. Where a complaint involves investigation and response by multiple teams, the managers responsible will assess and agree on who will be responsible for coordinating and communicating the response to the complainant. While each situation will be different, the team with the most significant component of the complaint will manage the complaint.
15. UTS College will seek to finalise the complaint by offering the complainant a reasonable and appropriate resolution that addresses the issue/s raised.

16. Where a complaint cannot be resolved to the complainant's satisfaction through UTS College's internal processes, the complainant can seek an independent external review as outlined in Appendix A to this policy.
BEHAVIOURAL EXPECTATIONS
17. All parties involved in a complaint must act in a cooperative, fair, and respectful manner to achieve a resolution, and maintain regular, honest, open, and unbiased communication.
18. Students are bound by the behavioural expectations of the Student Charter. UTS College Staff are bound by the behavioural expectations of the UTS College Code of Conduct and will not be involved in complaint resolution where there is actual, perceived or potential bias or conflict of interest. Further guidance on UTS College's Education Access and Inclusion Policy found here.
APPEALS MANAGEMENT AND SUPPORT
19. Internal Review – Appeals to review a decision made by UTS College must be made in writing to the Student Complaints Resolution Office at: scro@utscollege.edu.au
20. Academic review – Students can appeal a decision by an academic coordinator or an Academic English coordinator regarding a review of grades
21. In addition to the normal appeals process, appeals relating to student misconduct will also be considered by the Student Complaints and Appeals Committee before a final response to the appeal is provided to the student.
22. External Review – Appeals against the review of a UTS College decision can be directed to an external agency. The external agency will differ dependent on student enrolment status and are outlined in the Appendices to this policy.
RECORD KEEPING AND ANALYSIS
23. Complaint and appeal registers are kept in each operational area as well as the main UTS College Complaints and Appeals register maintained by the SCRO and analysis of Complaints and Appeals will be undertaken on a regular basis for reporting.

DEFINITIONS

Academic Coordinator / Academic English Coordinator	The staff member responsible for coordinating all classes in each academic subject or an Academic English Level.
Academic Course	UTS Foundation Studies, Diploma or Graduate Certificate course offered by UTS College.
Academic Integrity	A commitment, even in the face of adversity, to acting with the fundamental value of honesty, trust, fairness, respect, responsibility, and courage. (International Centre for Academic Integrity, 2014)

Academic Matters	Includes those matters which relate to student progress, assessment tasks, curriculum and awards in a course of study.
Agents	Otherwise referred to as Education Agents
Affiliates	Insearch Limited Board members, honorary appointees, contractors, labour hire personnel, volunteers, agency staff and any other person appointed or engaged by UTS College to perform work or functions for UTS College.
Appeal	A formal request for a decision resulting from a review of grades or an academic decision to be reconsidered by UTS College.
Assessment task	A specific activity a student (or group of students) is required to complete for the purpose of assessment.
Complainant	The person lodging the complaint.
Complaint	Any expression of dissatisfaction made to UTS College where a response is expected about anything related to our purpose of providing high quality education.
Dean of Studies	Head of the Education Department, with authority over the educational courses and programs offered by UTS College.
Director of Studies ELP	The person responsible for the management of the English Language Programs.
ELP	English Language Program
Executive	Interim CEO, Dean of Studies, Chief Officer Partnerships & Growth, Chief Financial Officer & Company Secretary, Chief Operating Officer, Director People.
Factual errors	Includes Facts not considered in administrative decisions Mark omission / Missing assessment task results: An assessment item or completed exam but the marks do not appear on a student record. Incorrect assessment task results recorded: An assessment item or completed exam but the marks on a student record are different from the marks advised by a teacher / Academic / Program coordinator.
Final Grade	A final grade is awarded for a subject to recognise the cumulative level of academic achievement the student has demonstrated across all assessment tasks in the subject. Grades include High Distinction, Distinction, Credit, Pass or Fail.
Frontline Managers	Registrar, Program Managers, Associate Dean of Studies, Director of Studies – ELP, and Education Services Manager.
Grade	A grade is awarded to an assessment item to recognise the level of achievement the student has demonstrated. Grades include High Distinction, Distinction, Credit, Pass or Fail.

Lodge	To submit a written complaint or appeal.
Non-Academic Matters	Those matters which do not relate to student progress, assessment tasks, curriculum, and awards in a course of study. Includes matters related to release requests, refunds, compliance with visa conditions, FEE-HELP, non-academic misconduct, and complaints in relation to personal information that UTS College holds in relation to students.
Program Manager	The person responsible for the management of a particular Diploma Program, Graduate Certificate, or UTS Foundation Studies.
Procedural error	Failure to follow required procedure or a failure to consider relevant evidence. In this policy Students were not notified of an assessment task within a reasonable period before the due date.
Representative	A person who accompanies a party to a dispute resolution meeting (eg, a carer/family member, or friend. Representatives must be over the age of 18.
Respondent	The person against whom the complaint has been made.
Staff	People employed to work on an ongoing, fixed term, sessional or casual basis under the terms and conditions of an employment agreement (contract) issued by UTS College.
Student Complaints and Appeals Committee	An internal committee with an independent Chair, which is the final step in the process of an internal review, to give visibility to the unbiased nature of UTS College's final decision on a matter.
SCRO	Student Complaints Resolution Office
Teacher	The Staff and Affiliates responsible for the delivery of either English or Academic courses at UTS College.
UTS Direct Student	Any student under 18 years of age who gains direct entry to UTS or completes a UTS College course (or UTS Foundation Studies) offered transnationally by UTS College or by a UTS College partner Institution and is enrolled at UTS.
UTS College	Insearch Limited and its controlled entities.

SUPPORTING DOCUMENTS

Include the title of supporting documents such as legislation, associated policies, related procedures and other UTS College resources.

- Student Complaints and Appeals Management Procedure (Academic)
- Student Complaints and Appeals Management Procedure (non-Academic)
- Privacy Act 1988 (Cth)
- Privacy and Personal Information Protection Act 1988 (NSW)
- Education Services for Overseas Students Act 2000
- The National Code 2018
- Higher Education Act 2003
- Higher Education Standards Framework 2021

- Code of Ethics
- Staff Code of Conduct
- Harassment, Bullying and Discrimination Policy
- Privacy Policy
- Public Interest Disclosure Policy
- Whistle-Blowing Protection Policy
- Assessment Policy
- Academic Integrity Policy
- Overseas Students Ombudsman (OSO) –
<https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=oco-complaint-form>
- NSW Ombudsman - <https://www.ombo.nsw.gov.au/complaints/complaint-form>
- Administrative Appeals Tribunal (AAT) - <http://www.aat.gov.au/resources/forms>
- Transnational Education Policy

Appendix A

NON-ACADEMIC

	Tier 1	Tier 2	Tier 3	External Review (independent process)
Function	Complaints management for routine matters	Management of more difficult, sensitive, and time-consuming complaints OR management of complaints referred as part of the complaints escalation process	Internal Appeal (review of a UTS College decision on a complaint)	Considers student complaints about UTS College decisions
People involved	Frontline Staff and Affiliates	Program Managers, Associate Dean of Studies, Director of Studies – ELP, Registrar, Manager of Education Services, SCAC to finalise appeal decision	Executive	Administrative Appeals Tribunal (domestic students) Overseas Students Ombudsman (international students undertaking ELT, Diploma or Graduate Certificate courses) NSW Ombudsman (UTS Foundation Studies students)

ACADEMIC

Assessment Tasks			
Function	Appeals against an assessment task/grade	Appeal against a subject final grade decision	External appeal
People involved	Teacher/subject coordinator	Program Managers, Director of Studies – ELP	Administrative Appeals Tribunal (domestic students) Overseas Students Ombudsman (international students undertaking ELT, Diploma or Graduate Certificate courses) NSW Ombudsman (UTS Foundation Studies students)

Nature of Complaint or Appeal	Additional External Body
Complaints and Appeals regarding: <ul style="list-style-type: none"> ▪ your well-being and safety concerns ▪ for example sexual assault or harassment ▪ misrepresentation of courses offered by UTS College ▪ serious issues with admission practices ▪ serious issues with the quality of delivery including by the UTS College's third parties ▪ serious data or information security breaches ▪ breaches of the law 	TEQSA https://www.teqsa.gov.au/raise-concern-form
Complaints and Appeals relating to HELP Loans including FEE-HELP	StudyAssist https://www.studyassist.gov.au/complaint
If you think you are being discriminated against	Anti-discrimination Board https://antidiscrimination.nsw.gov.au/anti-discrimination-nsw/complaints/how-to-make-a-complaint.html