

Student Complaints and Appeals Policy

POLICY PURPOSE

This policy:

- affirms UTS College 's commitment 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.
- sets out UTS College's responsibilities for providing a learning environment in which complaints and appeals are responded to promptly and fairly.
- meets the requirements under :
 - The Higher Education Support Act (HESA) 2003
 - The Higher Education Standards Framework (Threshold Standards) 2021, Standard 2.4 Student Grievances and Complaints
 - The Education Services for Overseas Students Act (ESOS) 2000
 - The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)

SCOPE

This policy applies to prospective and current UTS College students, staff, affiliates, parents of under 18 students 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 about anything related to all aspects of a student's educational experience and learning environment, including support to students, 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) that occurs on or off campus.

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

What is an appeal?

An appeal is a request to reconsider a decision made by UTS College about an academic or non-academic matter. An appeal can be made internally to UTS College or externally to an external body. A student can appeal externally if not satisfied with the decision made from an internal appeal.

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 manner 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 g) assisted by an interpreter, if needed, for the complaint or appeal process.
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.
5. A current enrolled student’s enrolment must be maintained during the complaint resolution or appeal process.
6. UTS College provides a supportive environment to students and staff. All parties related to a complaint are supported and treated equally and must not be subjected to victimisation, intimidation, discrimination or harassment.
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).
8. 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.
9. To preserve impartiality in decision-making, where a manager or executive has assisted in the initial investigation of a complaint or appeal, they will not be involved in the review process and decision-making. Another manager or member of the Executive will act in their stead.
Behavioural Expectations

10. 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.
11. Students are bound by the behavioural expectations of the Student Charter.
12. 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.
Types of Complaints or Appeals
Academic
13. Academic complaints or appeals are those related to an academic decision or lack of fairness in applying UTS college policy or procedure, e.g., attendance, academic progress, assessment, curriculum, student support and awards in a course of study.
Non-academic
14. Non-academic complaints or appeals are those that are not academic related, including behaviours, e.g., release requests, refunds, FEE-HELP, or non-academic misconduct.
Informal
15. Informal complaints are usually made verbally and are concerns or issues that are straightforward, less serious, do not require much investigation and can be resolved quickly. Students are encouraged to raise complaints in this way if the complaint is straightforward and less serious. Informal complaints may be addressed to frontline staff/affiliates or directly to a staff member who provides the complainant with a service or decision relating to the complaint. Escalation to a manager may be required, wherever appropriate, if a resolution is not provided within 3 working days or the complainant is not satisfied with the resolution. If the complainant is satisfied with the resolution, the case is considered closed and is not required to be recorded in the complaint register. If the complainant is not satisfied with the resolution, the complainant can submit a formal complaint in writing along with supporting documents or substantial evidence.
Formal
16. Formal complaints must be lodged in writing to the Student Complaints Resolution Office (SCRO) at: scro@utscollege.edu.au . Investigation and resolution are aimed to be taken and provided within 10 working days following an acknowledgment of receiving the formal complaint. If the complainant is satisfied with the resolution, the case is considered closed and will be recorded in a complaint register. If the complainant is not satisfied with the resolution, the complainant can lodge an appeal to SCRO within 5 working days from the date the resolution was provided. A register must be kept for all formal complaints.
Appeals – Internal

17. All appeals must be submitted in writing and emailed to the Student Complaints Resolution Office (SCRO) at: scro@utscollege.edu.au within the required time frame as specified in the decision sent to students.

Students may appeal against the following matters within the required time frame:

- a resolution about a formal complaint within 5 working days from the date the resolution was provided.
- an outcome after an academic result has been reviewed within 5 working days.
- UTS College's intention to exclude (ITE) or intention to report (ITR) to Department of Home Affairs within 20 working days from the date the ITE or ITR letter was emailed.
- a decision to reject a request for a release or refund, or about a non-academic misconduct within 20 working days from the date the decision was made.
- re-credit fees for a FEE-HELP debt within 12 months of the end of the period of study in which the unit was undertaken.

Appeals – External

18. Appeals against a UTS College decision following an internal appeal can be directed to an external agency within 20 working days from the date the outcome of an internal appeal was provided.

- NSW Ombudsman (For UTS Foundation Studies students)
- Overseas Student Ombudsman (For international students enrolled in English, Diploma or Graduate Certificate courses)
- Administrative Appeals Tribunal (AAT) (For domestic students)

Record Keeping and Analysis

19. UTS College Complaints and Appeals register is maintained by the SCRO and includes only formal complaints and appeals. Analysis of complaints and appeals will be undertaken on a regular basis for reporting and improvement.

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, Cambridge International AS and A level Program, 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	UTS College 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 against a decision resulting from a review of grades or an academic or non-academic decision to be reconsidered by UTS College.
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	CEO, Dean of Studies, Chief Officer Partnerships & Growth, Chief Financial Officer & Company Secretary, Director People.
Factual errors	Includes: <ul style="list-style-type: none"> ▪ 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.
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, Cambridge International AS and A level Program 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.
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 College	UTS College Limited, its representative offices and its controlled entities.
UTS 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.

SUPPORTING DOCUMENTS

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

- Administrative Appeals Tribunal (AAT)
- Assessment Policy
- Assessment Grading and Feedback Guidelines
- Academic Integrity Policy
- Code of Ethics
- Education Services for Overseas Students Act 2000
- Harassment, Bullying and Discrimination Policy
- Higher Education Act 2003
- Higher Education Standards Framework 2021
- NSW Ombudsman
- Overseas Students Ombudsman (OSO)
- Privacy Act 1988 (Cth)
- Privacy and Personal Information Protection Act 1988 (NSW)
- Privacy Policy
- Staff Code of Conduct
- Student Charter
- Student Complaints and Appeals Management Procedure (Academic)
- Student Complaints and Appeals Management Procedure (non-Academic)
- The National Code 2018
- Transnational Education Policy

ADMIN USE ONLY

APPROVAL		
Position title:		Date: 22 February 2024
		Chair of the Academic Board
Policy Title	Student Complaints and Appeals Policy	
Executive	Dean of Studies	
Manager	Student Services Manager	
Policy ID	PO/EDUC/03/24	
Effective Date	[To be determined by the Executive (date of signing or later date)]	
Approved by	Academic Board	Date 22 February 2024

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
1.2	Mei-Ling Chen & Zoe Wang	Revised Policy Purpose statement to include key compliance requirements. Simplified wording definition for what is a complaint and what is an appeal. Redefined informal complaint and specified that an informal complaint is not required to be recorded in the complaint register.	8 Feb 2024