

## Student Complaints and Appeals (Non-Academic) Procedure

### PROCEDURE 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 process. UTS College is equally committed to providing a learning environment in which complaints and appeals are responded to promptly and fairly.

This procedure document applies to student complaints and appeals regarding non-academic matters at UTS College and should be read in conjunction with the Student Complaints and Appeals Policy.

### SCOPE

This procedure (Refer to flowchart in Appendix A) applies to current and prospective students of UTS College. Transnational Education partners must offer a formal complaints and appeals process that is aligned with this procedure. Refer to clause 5.5 of the Transnational Education Policy

**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. The Student Welfare Team Leader will refer these complaints to UTS where appropriate.

UTS College views student complaints as providing an opportunity to review and improve its policies and practices, and also gain insight into student levels of satisfaction. To support this, if required, UTS College will provide an interpreter for the complainant throughout the complaint or appeal process.

Any student, irrespective of age, requiring assistance by a third party to lodge a complaint or appeal must provide UTS College with a completed Consent to Disclose Personal Information form before any written resolution is provided.

**DEFINITIONS** are set out at the end of this procedure.

**PROCEDURE STEPS**

Activity	Description	Responsible
<b>LODGING A COMPLAINT – NON-ACADEMIC MATTERS</b>		
<b>Pathway 1</b>	<p><b><u>Lodge a verbal complaint about a routine matter</u></b></p> <p>Students are able to raise a complaint to the area or department and staff member most able to directly respond (e.g. Student Centre about a student service matter).</p> <p>All UTS College Staff and Affiliates are empowered to respond to complaints to ensure that students feel comfortable reporting a complaint.</p> <p>UTS College encourages a person raising a complaint to take this option where:</p> <ul style="list-style-type: none"> <li>▪ the person feels comfortable with making a direct approach; and</li> <li>▪ where the complaint does not relate to allegations of unlawful behaviour (e.g. assault, illegal discrimination, harassment, or corruption).</li> </ul>	Student
<b>Pathway 2</b>	<p><b><u>Lodge a complaint by email</u></b></p> <p>A person raising a complaint can lodge a formal complaint with the Student Complaint Resolution Office (SCRO) at <a href="mailto:scro@utscollege.edu.au">scro@utscollege.edu.au</a>.</p> <p>The email must include the following:</p> <ul style="list-style-type: none"> <li>▪ An outline of the complaint including the time and date of the matter which gave rise to the complaint</li> <li>▪ Name and contact details of the complainant;</li> <li>▪ Details of any people involved in the complaint.</li> </ul> <p>Note: anonymous complaints can be made but will generally only be acted upon where the matter is relatively serious and where there is sufficient information to enable an investigation to be conducted.</p>	Complainant

<b>ACKNOWLEDGING AND RECORDING COMPLAINT</b>		
Acknowledging and recording a complaint <b>Pathway 1</b>	1. Frontline Staff member/Affiliate:  1.1 Gathers relevant details concerning the complaint. 1.2 Emails complainant and copies in SCRO acknowledging receipt of complaint: a. within 2 days of receiving it b. uses prescribed format for 'subject line' – COMPLAINT – (student number) student name c. stores complaint and acknowledgement in i-Records.	Person receiving the complaint / Manager / Executive
Acknowledging and recording a complaint <b>Pathway 2</b>	2. Pathway 2 complaints will: 2.1 be acknowledged within 2 days of receipt 2.2 use prescribed format for 'subject line' – COMPLAINT – (student number) student name 2.3 be stored in i-Records. 2.4 forwarded to the manager concerned including the following: (a) Company Secretary/CFO: allegation of corruption/maladministration (including about a representative office overseas); (b) Program Managers: allegation of improper conduct by a teacher; (c) HR Director: allegation of discrimination, harassment, bullying, child abuse; (d) Chief Officer Partnerships and Growth: allegation of fraud or corruption involving an agent, sales contractor; or (e) Allegation of fraud or corruption involving a joint venture partner; (f) Education-related matters: to the responsible Program Manager (g) Student Services (including Student Centre, Accommodation and Welfare matters): to the Student Support Manager (h) Facilities-related matters: to the Facilities Manager; (i) Admissions and Refund - related matters: to the Admissions Manager; (j) Matters related to Release requests, compliance with visa conditions, non-academic misconduct, FEE-HELP Remissions and exclusion from courses: to the Registrar	SCRO (Executive Assistant to the Dean of Studies)

Investigating the Complaint	<p>3. Relevant Manager:</p> <ul style="list-style-type: none"> <li>• Liaises with student making the complaint and other parties as required (e.g. if required, set up an interview with the complainant, the respondent and/or any other witnesses).</li> <li>• Has 10 days to investigate and respond to the complaint.</li> </ul>	Manager
<b>RESPONDING TO A COMPLAINT</b>		
Responding to the Complaint	<p>4. Resolves the complaint and communicates this in writing to the complainant (and the SCRO) advising of the outcome; and providing the complainant with:</p> <ul style="list-style-type: none"> <li>• Information about how to lodge an internal appeal if they are dissatisfied with the outcome</li> <li>• Advice of the option that appeal to an external body also exists if the internal appeal is unsuccessful</li> <li>• Stores this correspondence in i-Records</li> <li>• Enters the complaint details in team complaints register (see requirements section under 'record keeping').</li> </ul> <p>Complainants will receive written advice of the outcome of their complaint. The outcome will be in keeping with the seriousness of the incident which was the basis of the complaint, and outcomes will be applied consistently across UTS College</p>	Staff handling complaint / Manager / Executive
Outcome of the complaint resolution	<p>5. Through the resolution process:</p> <ul style="list-style-type: none"> <li>• the student gains a better understanding of the situation so that his/her concerns are addressed;</li> <li>• the student receives an apology, and/or the issue or behaviour that was the basis of their complaint is modified;</li> <li>• The complaint cannot be substantiated and no further action will result;</li> <li>• In serious and substantiated cases, UTS College's formal disciplinary process will be invoked. Formal warnings about inappropriate behaviour, counselling, situation monitoring and reporting are common outcomes in the first instance, unless the behaviour is of a very serious nature (for example, involving repeated incidents of inappropriate behaviour or serious breaches of the code of conduct). The most serious breaches may result in exclusion (for students) or dismissal (for staff).</li> </ul>	
	<p>6. If a student is not satisfied with the resolution of the complaint, they can appeal to UTS College in the first instance to review its decision (lodge an internal appeal). Appeals regarding non-academic matters are forwarded to <a href="mailto:scro@utscollege.edu.au">scro@utscollege.edu.au</a></p>	Student

**RESPONDING TO AN INTERNAL APPEAL**

e. If an appeal to UTS College for review of a decision about a complaint or administrative decision is made, the appeal is considered by the relevant Executive member or the Registrar:

- a. Dean of Studies – Non-academic matters that relate to Education staff and all Academic matters.
- b. Chief Operating Officer – Admissions, refunds and facilities related appeals.
- c. Joint panel of Dean of Studies/Chief Operating Officer – enrolment.
- d. Registrar – administrative decisions including reporting for failing to make satisfactory academic progress or failing to maintain satisfactory attendance and release requests.

**NB:** However, where the Dean of Studies or Chief Operating Officer was involved in considering a complaint and would usually be an appeals reviewer of that complaint, another member of the Executive will replace them as appeals reviewer. This is to remove any apprehension of bias.

e. Student Complaints and Appeals Committee (SCAC) – Non-Academic Misconduct

- i. The Committee will be chaired by the UTS College Company Secretary
- ii. The Legal and Governance Officer will provide secretariat services to the Committee
- iii. When an appeal is received the SCRO will inform the Chair that the Committee needs to be convened
- iv. The Committee should be convened within 3 weeks of the appeal being made
- v. The Chair will appoint 2 additional Committee members, selected from the group of UTS College managers or Executive who have received ESOS training
- vi. No manager should be appointed to the Committee if they have been involved in hearing the original complaint, or if anyone reporting to them has been involved in the original complaint
- vii. The student should be invited to attend the Committee hearing, given at least 2 weeks' notice of the date and time of the hearing and informed that they have the right to bring a support person with them
- viii. A written decision of the Committee should be provided to the student by the Chair within 2 weeks of the Committee hearing

	<p>f. When responding to the appeal, contact details of an independent external body are provided to the student (links for these are provided in the Supporting Documents section below).</p> <p>g. If the internal appeal is unsuccessful or if the complainant is dissatisfied with the outcome of the internal review, they can appeal to an external body to review UTS College's handling of the matter (external appeal) and request a review by an external body:</p>	
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	<ul style="list-style-type: none"> <li>▪ <b>NSW Ombudsman</b> (For UTS Foundation Studies students) - considers whether a decision is illegal, unreasonable, unjust or oppressive, improperly discriminatory, based on improper or irrelevant grounds, based on a mistake of law or fact, or otherwise wrong.</li> <li>▪ <b>Overseas Students Ombudsman</b> (For international students enrolled in ELT, diploma or graduate certificate courses) - considers decisions where students believe UTS College may not have followed the rules correctly or treated them fairly (e.g. refusing admission to a course, fees and refunds, course or release requests (provider transfers), course progress or attendance, cancellation of enrolment, accommodation or work arranged by your provider, incorrect advice given by an education agent).</li> <li>▪ <b>Administrative Appeals Tribunal (AAT)</b> (For domestic students)</li> </ul> <p>Students will be advised that an appeal needs to be lodged within 20 days of being informed of the decision.</p>	
<p>Timeframes when responding to the decision of an external Appeals Body</p>	<p>h. UTS College will ensure that recommendations impacting on a student who has lodged an appeal are implemented within 5 days. This includes communicating to the student who lodged the appeal.</p> <p>i. For other decisions (e.g. recommendations of a more general nature), the Executive member of the affected team will liaise with the Company Secretary/CFO to determine a timeframe for implementation as soon as practicable, taking into account impact on other students and risk to UTS College.</p>	<p>Relevant Manager / Executive member</p>

<b>RECORDING COMPLAINTS AND APPEALS</b>		
	<p>j. All complaints and appeals must be recorded in the relevant team's complaint and appeals register. The register includes the following:</p> <ul style="list-style-type: none"> <li>a. I-Records number;</li> <li>b. date the complaint was received;</li> <li>c. nature of complaint;</li> <li>d. complaint received by;</li> <li>e. expected resolution time;</li> <li>f. actual resolution time;</li> <li>g. escalation (if required); and</li> <li>h. brief summary of resolution.</li> </ul>	
	<p>File all records of complaints and appeals in student files (i-Records). Parties to the complaint may request in writing access to these records. These will be dealt with on a case-by-case basis by the relevant Executive member.</p>	

<b>MONITORING AND REPORTING</b>		
	<p>k. Prepares a report for the Executive on all Non-Academic Complaints and Appeals in the Complaints and Appeals Register for the quarterly Executive meeting.</p>	<p>SCRO (Executive Assistant to the Dean of Studies)</p>

## DEFINITIONS

Academic Matters	Includes those matters which relate to student progress, assessment tasks, curriculum and awards in a course of study.
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.
Agent	Otherwise referred to as Education Agent
Appeal	An appeal is a formal request for an academic or administrative 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	Complaints can be made about things relating 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), including other students, 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.
Day	Any reference to 'day' means 'business day' (unless otherwise explicitly stated).
Dean of Studies	Is the head of the Education Department and has authority over the educational courses and programs offered by UTS College.
Difficult or sensitive issue	Complaints that are more complex, sensitive or of a more serious nature. These types of complaints generally relate to non-academic education matters, enrolment or behaviour and need to be managed formally.

## DEFINITIONS

Director of Studies ELP	Is the person responsible for the management of the English Language Programs.
ELT	English Language Teaching.
Executive	Managing Director, Dean of Studies, Chief Operating Officer, Chief Financial Officer/Company Secretary, Chief Officer Partnership & Growth, Director People.
Factual errors	Includes facts not considered in administrative decisions
Frontline Managers	Registrar, Program Managers, Director of Studies ELP, Admissions Manager and Student Services.
i-Records	In this document UTS College's electronic student filing system.
Lodge	To submit a written complaint or appeal.
Non-Academic Matters	Includes those matters which do not relate to student progress, assessment tasks, curriculum, and awards in a course of study. They include appeals regarding Release requests, Refunds, Remission of FEE-HELP Debt, non-academic misconduct, failure to comply with visa conditions, exclusion from a course and complaints in relation to personal information that UTS College holds in relation to the student.
Program Manager	Is the person responsible for the management of UTS Foundation Studies or a particular Diploma or Graduate Certificate course.

Procedural error	Failure to follow required procedure or a failure to consider relevant evidence. In this procedure students were not notified of a deadline for submitting an appeal.
Representative	A person who accompanies a party to a dispute resolution meeting (e.g. a carer/family member, or friend). Representatives must be over the age of 18.
Respondent	The person against whom the complaint has been made.
Routine matter	Complaints that are simple and relate to a routine matter or minor issue. These generally relate to services and facilities on campus. Routine issues can generally be resolved informally.
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.
Teacher	The Staff and Affiliates responsible for the delivery of either the English or Academic courses at UTS College.
UTS College	Insearch Limited, its representative offices and its controlled entities. Insearch Limited (UTS College) CRICOS Provider Code: 00859D / TEQSA Provider Identification No: PRV12022, Provider Category: Institute of Higher Education   University of Technology Sydney (UTS) CRICOS Provider Code: 00099F / TEQSA Provider Identification No: PRV12060, Provider Category: Australian University. Insearch Limited (UTS College) is a controlled entity of the University of Technology Sydney (UTS), and as an institute of higher education, UTS College provides pathway courses to UTS.
UTS Direct Student	Any student under 18 years of age who gains direct entry to UTS or completes a UTS College course offered offshore by UTS College or by a UTS College partner institution.

## SUPPORTING DOCUMENTS:

- Student Complaints and Appeals Policy
- Student Complaint Form
- Consent to Disclose Personal Information form
- Privacy Act 1988 (Cth)
- Privacy and Personal Information Protection Act 1988 (NSW)
- Education Services for Overseas Students Act 2000
- The National Code 2018
- Code of Ethics
- Staff Code of Conduct
- Harassment, Bullying and Discrimination Policy
- Non-academic Misconduct Policy and Procedure
- Privacy Policy
- TNE Education Policy
- Higher Education Standards Framework 2021
- Appendix A: Student Complaints and Appeals Procedure – non-academic flowchart
- Public Interest Disclosure Policy
- Whistle-Blowing Protection Policy
- Overseas Students Ombudsman (OSO) – [https://www.ombudsman.gov.au/\\_data/assets/pdf\\_file/0021/109308/OSO-flowchart-Nov-2019.pdf](https://www.ombudsman.gov.au/_data/assets/pdf_file/0021/109308/OSO-flowchart-Nov-2019.pdf)
- NSW Ombudsman – <https://www.ombo.nsw.gov.au/complaints/complaint-form>
- Administrative Appeals Tribunal (AAT) – <http://www.aat.gov.au/resources/forms>

## ADMIN USE ONLY

APPROVAL	
Signature:	<i>*Executed on original</i>
Name: Sally Chatterjee	<b>Chief Operations Officer</b> Date: 12 May 2023
Procedure Title	Student Complaints and Appeals (Non-academic) Procedure
Executive Manager	Chief Operations Officer Registrar
Procedure ID	PROC/OPS/04/23
Effective Date:	12 May 2023

## Appendix A Student Complaint and Appeals (non-academic) Flowchart

