



UNSW College

UNSW College
Transnational
Education

Complaints and Appeals

Procedure

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1. TNE Complaints and Appeals Procedure	3
1.1. Background	3
1.2. Purpose	3
1.3. Scope	3
1.4. Definitions	3
1.5. Commitment to Procedural Fairness	4
1.6. Complainants' Rights under this Procedure	5
1.7. Complainants' Obligations under this Procedure	5
2. Types of Complaints	6
2.1. Complaints about Academic Decisions and Matters	6
2.2. Complaints about Facilities and Resources	6
2.3. Complaints About a Person's Behaviour or Conduct	6
2.4. Complaints about Administration or Process	7
3. Complaints and Appeals Process	8
3.1. STAGE 1: Informal Complaint Process	9
3.2. STAGE 2: Formal Review Process	9
3.2.1. Allocation of responsibility	10
3.2.2. Handling Complaints	11
3.3. STAGE 3: Internal Appeal Process	11
3.3.1. Appeal to UNSW College Head, TNE	12
3.3.2. Appeal to the UNSW College TNE Appeals Committee	12
3.4. STAGE 4: External Appeal Process	12
4. Responsibilities	13
4.1. TNE Provider Responsibilities in handling Complaints	13
4.2. UNSW College Responsibilities in handling Complaints	13
4.3. Where this Procedure Does Not Apply	14

1. TNE Complaints and Appeals Procedure

1.1. Background

UNSW College is committed to delivering a high standard of education and training services to all of its students and ensuring that the same high standard applies when its programs are delivered outside Australia through its TNE Providers. One way that UNSW College fulfils this commitment is by ensuring that students and teachers, including TNE students and teachers, have access to a robust and fair Complaints and Appeals process.

1.2. Purpose

This procedure explains how UNSW College and the TNE Provider handle Complaints and Appeals made by TNE Students, applicants and others involved in the Program (such as teachers) (“Complainants”). It contains the process to be followed by Complainants if they wish to make a complaint about UNSW College, a TNE Agent, a TNE Provider, a teacher or a TNE Centre. It also sets out how to appeal a decision made by UNSW College or a TNE Provider.

1.3. Scope

This procedure applies to:

- a) UNSW College, their employees and contractors, and TNE Agents;
- b) all TNE Students who have accepted a TNE Provider’s offer of enrolment into the Program;
- c) all applicants who have applied to enrol in a Program with the TNE Provider; and
- d) TNE Providers, their employees and contractors, including teachers, Sub-Providers and TNE Centres.

1.4. Definitions

Academic Misconduct means behaviour or conduct undertaken to obtain an academic advantage, including for another person, to which the student or the other person is not legitimately entitled.

Appeal means a written appeal against a decision made by UNSW College or a TNE Provider lodged in accordance with this procedure.

Appellant means a person specified in the scope of this procedure who makes an Appeal in accordance with this procedure.

Complainant means a person specified in the scope of this procedure who makes a complaint in accordance with this procedure.

Complaint means an expression of dissatisfaction, described in section 2 below, made in accordance with this procedure.

Formal Review means stage 2 of the Complaints and Appeals process (see section 3.2 below). This is for Complaints that are more serious than Informal Complaints and are not able to be resolved as an Informal Complaint. A Formal Review must be in writing.

Informal Complaint means a complaint about a simple or straightforward matter that can be quickly and easily addressed. An Informal Complaint is typically made verbally to the person who has immediate control of the matter, and need not be in writing. This is generally stage 1 of the Complaints and Appeals process (see section 3.1 below).

Program means the TNE program delivered by the TNE Provider, including the Foundation English Entry Course or the UNSW Foundation Studies.

Register means the TNE Complaints Register or log of Complaints and Appeals maintained by the TNE Provider and UNSW College recording Formal Review and Appeal matters.

Sub-Provider means a provider of education services engaged or subcontracted by the TNE Provider.

Territory means the place outside Australia where the TNE Provider delivers the Program.

TNE or transnational education means the provision of education to students located in a country other than the one in which the awarding institution is based. TNE can be delivered offshore (through licensed delivery providers or branch campuses) or online to serve as a consistent pathway for international students to study at the awarding institution.

TNE Agent means the education agent authorised to represent UNSW or UNSW College.

TNE Centre means the school, campus, centre or site where the TNE Provider delivers the Program.

TNE Provider means the organisation who is licensed by UNSW College to deliver the Program in the Territory.

TNE Student means a student who is enrolled with a TNE Provider to study the Program.

UNSW College TNE Appeals Committee means a committee formed to deal with an appeal to a Stage 2 decision. The committee will include the UNSW College TNE Head, a representative from the relevant UNSW College portfolio in which the complaint relates, and a representative from the TNE Provider.

Vexatious Complaint means a complaint without merit, which intends to cause inconvenience, harassment or expense to UNSW College, the TNE Provider or other person.

1.5. Commitment to Procedural Fairness

The following principles apply to the Complaints and Appeals process set out in this procedure:

- a) generally, Complaints will be made in the first instance to the TNE Provider who will either deal with the matter itself or, if it is identified as a UNSW College matter, will refer the matter to UNSW College (see the table in section 3.2.1 showing allocation of responsibilities);
- b) where possible and appropriate, Complaints are handled promptly and informally by the original decision maker or the person responsible for the matter or issue;
- c) all Complaints and Appeals are finalised within a reasonable timeframe, taking into consideration factors such as the remaining duration of the TNE Student's Program and the TNE Student's enrolment in future subjects and/or programs with the TNE Provider, UNSW College or UNSW, as applicable;
- d) the principles of procedural fairness and natural justice apply to all Complaints and Appeals, including the right to be heard and a right to unbiased decision-making;
- e) where a Complaint or Appeal is about a person's behaviour, all parties involved in the Complaint or Appeal must maintain confidentiality about the Complaint or Appeal;
- f) UNSW College and the TNE Provider will record Stage 2: Formal Review and Stage 3: Internal Appeal Process matters on the TNE Complaints Register;
- g) notes and documentation are kept at all stages of the Stage 2: Formal Review and Stage 3: Internal Appeal Process (see sections 3.2 and 3.3 below) including records of meetings, discussions and actions proposed or taken and will be uploaded to the TNE Complaints Register;
- h) information and records about a Complaint are confidential and should only be disclosed

to staff of UNSW College, TNE Provider, Sub-Provider or TNE Centre (as applicable) with direct involvement in the process and who need to know to enable proper handling of the matter. However, UNSW College and the TNE Provider may disclose records about a Complaint or Appeal to its legal advisers, insurers and, if necessary, to an external agency where the assistance of an external agency is sought. UNSW College and the TNE Provider may also disclose records about a Complaint or Appeal to UNSW if it relates to UNSW;

- i) all Complainants who seek a Stage 2: Formal Review or a Stage 3: Internal Appeal will be provided with a written statement of the outcome of their Complaint or Appeal, including the reasons for the decision;
- j) at any stage, a Complainant may decide to withdraw a Complaint or an Appeal. Where the Stage 2: Formal Review or Stage 3: Internal Appeal Process is underway, any withdrawal must be in writing (this may be by email). In most instances UNSW College or the TNE Provider (as applicable) will then deem the Complaint or Appeal resolved; and
- k) to the extent practicable, a TNE Student's progress in the Program is not to be disrupted or adversely affected by their participation in the Complaints and Appeals process.

1.6. Complainants' Rights under this Procedure

All Complainants accessing the Complaints and Appeals process set out in this procedure can expect the following:

- a) there is no direct cost to a Complainant for making a Complaint or requesting an Appeal;
- b) Complainants will not suffer any reprisal as a result of making a Complaint or an Appeal;
- c) Complainants may be accompanied by a support person during the Complaints and Appeals process;
- d) a TNE Student's enrolment will be maintained while the Complaints and Appeals process is ongoing; and
- e) Complainants may choose to have their Complaint reviewed by an external complaint handling agency or body if available in your jurisdiction (see section 3.4 below).

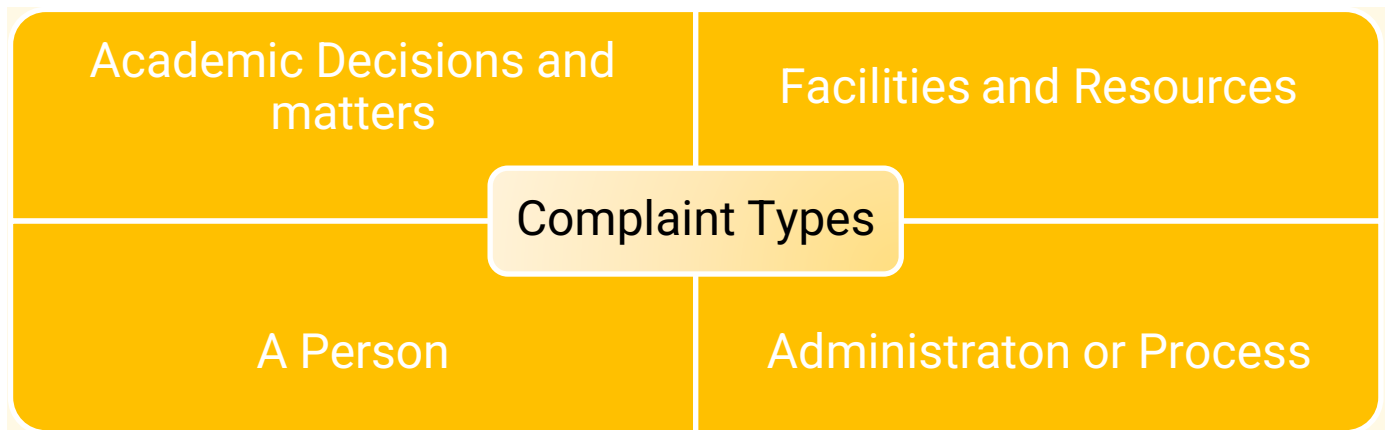
1.7. Complainants' Obligations under this Procedure

All Complainants accessing the Complaints and Appeals process set out in this procedure are expected to:

- a) act honestly and in good faith;
- b) avoid making Vexatious Complaints;
- c) substantiate any claims and provide proper documentation where required and in a timely manner;
- d) meet timeframes stipulated under this procedure; and
- e) maintain confidentiality where a Complaint is about a person's behaviour.

2. Types of Complaints

There are four types of Complaints within the scope of this procedure:



2.1. Complaints about Academic Decisions and Matters

Complainants may make a Complaint about academic decisions and matters which are decisions or matters that affect a TNE Student's academic performance. Examples include Complaints that relate to:

- a) procedural fairness in how assessments or exams are administered;
- b) procedural fairness in the submission and marking of assessments and coursework;
- c) the quality of a teacher's teaching of the course and the adequate delivery of required resources; or
- d) minor or serious Academic Misconduct (refer to the TNE Student Misconduct Procedure for further information).

2.2. Complaints about Facilities and Resources

Complainants may make a Complaint about the quality of facilities or resources offered by UNSW College, the TNE Provider, Sub-Provider or TNE Centre. This may relate to the quality of internet, classroom facilities or library resources available to TNE Students and teaching staff.

All Complaints about facilities and resources should be made to the TNE Provider in the first instance who will handle the matter (in consultation with the TNE Centre if appropriate) and will inform and consult with UNSW College as necessary. The TNE Provider will refer matters to UNSW College as may be appropriate (see allocation of responsibilities in the table in section 3.2.1).

2.3. Complaints About a Person's Behaviour or Conduct

Complainants may make a Complaint relating to the behaviour or conduct of:

- a) other TNE Students or applicants to the Program;
- b) teaching staff of a TNE Provider (including contract staff and guest lecturers);
- c) administrative or technical staff of a TNE Provider, Sub-Provider or TNE Centre (including casual and contract staff);
- d) other third parties with whom TNE Students must interact as part of their Program; and
- e) UNSW College or a TNE Agent.

All Complaints about the behaviour of persons listed in paragraphs (a) to (d) above must be made to and determined by the TNE Provider in accordance with the TNE Provider's policies. The TNE Provider will inform and consult with UNSW College about the Complaint.

Complaints about UNSW College, UNSW staff or a TNE Agent shall be made to the TNE Provider in the first instance who will refer the matter to UNSW College who will handle the Complaint.

All persons involved in Complaints about a person's behaviour or conduct will maintain confidentiality.

Where the TNE Provider considers that the behaviour complained about may amount to criminal or unlawful behaviour, the matter may be referred to external agencies or bodies.

If the behaviour complained of is Academic Misconduct, the TNE Provider will handle the Complaint as an academic matter (see section 2.1 above).

2.4. Complaints about Administration or Process

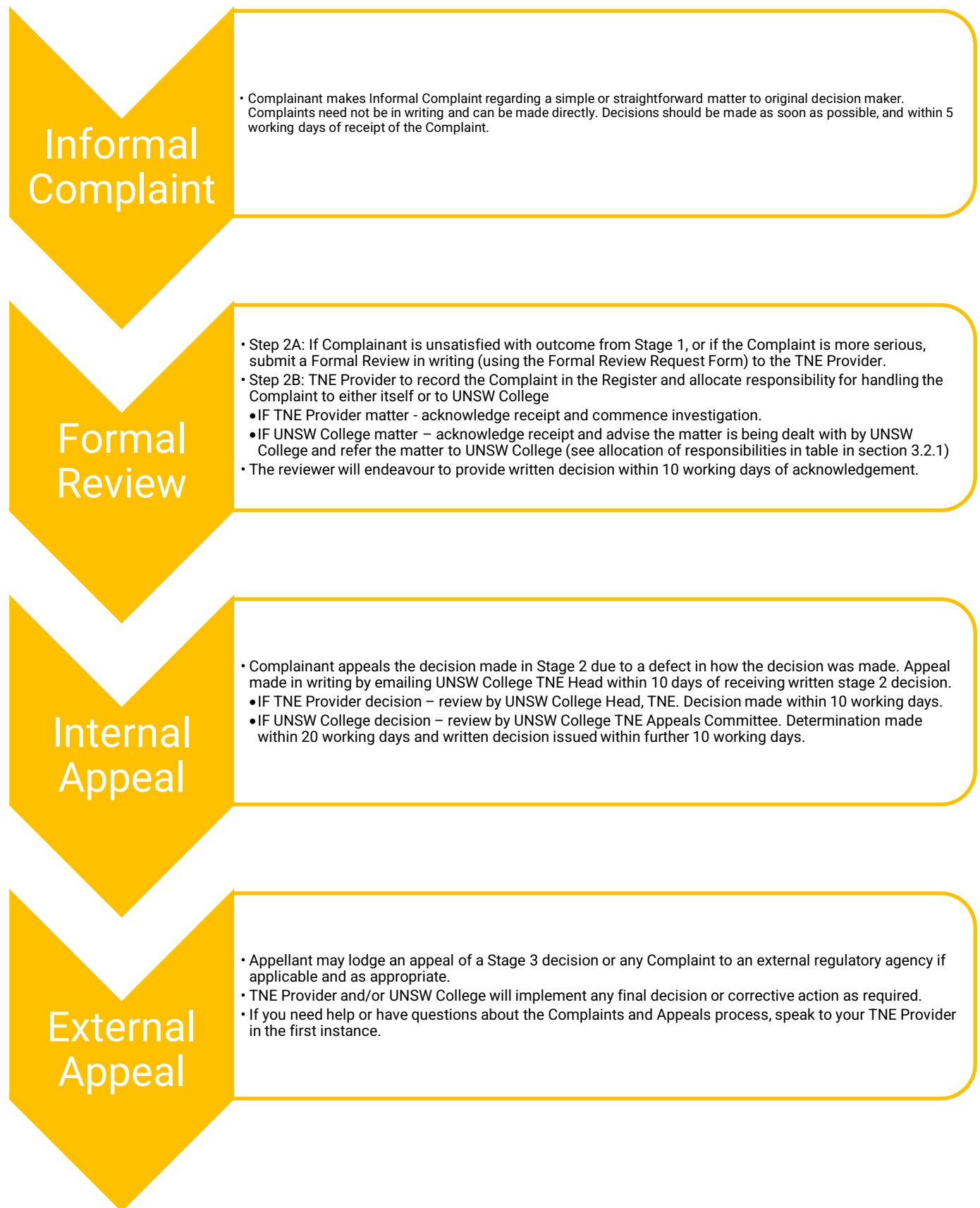
Complainants may make a Complaint relating to administrative issues or processes including Complaints about decisions about an applicant's qualifications and entry to the Program, Complaints about tuition fees, changes to enrolment, classes, timetables or stream. A teacher might have a Complaint about his or her qualifications, approval or professional development.

All Complaints about administration or process must be made to and determined by the TNE Provider in the first instance. The TNE Provider will inform and consult with UNSW College about the Complaint as may be appropriate.

If the Complainant believes that the TNE Provider has acted unlawfully or against UNSW College's interests, the Complainant may directly make a Complaint to the UNSW College Head, TNE (see section 3.2.1).

3. Complaints and Appeals Process

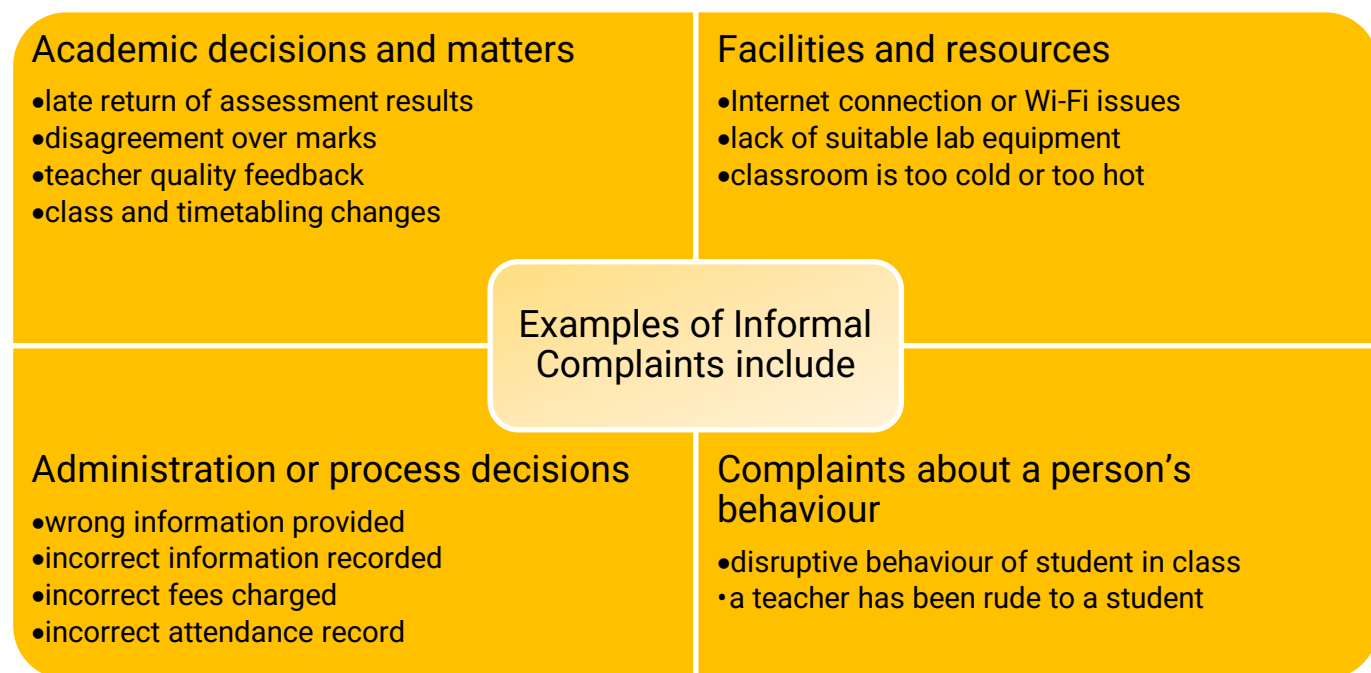
In most circumstances Complaints will follow a four-stage process:



3.1. STAGE 1: Informal Complaint Process

This approach is suitable for straightforward issues that are urgent but not serious, or that are easily and quickly addressed, such as Complaints about facilities or decisions, including academic decisions, which are minor and administrative in nature. Complainants are encouraged to attempt to resolve their Complaint informally and directly by getting in touch with the original decision maker or the person responsible for the matter or issue and asking for the matter to be handled or corrected.

STAGE 1: Informal Complaints are not generally made in writing.



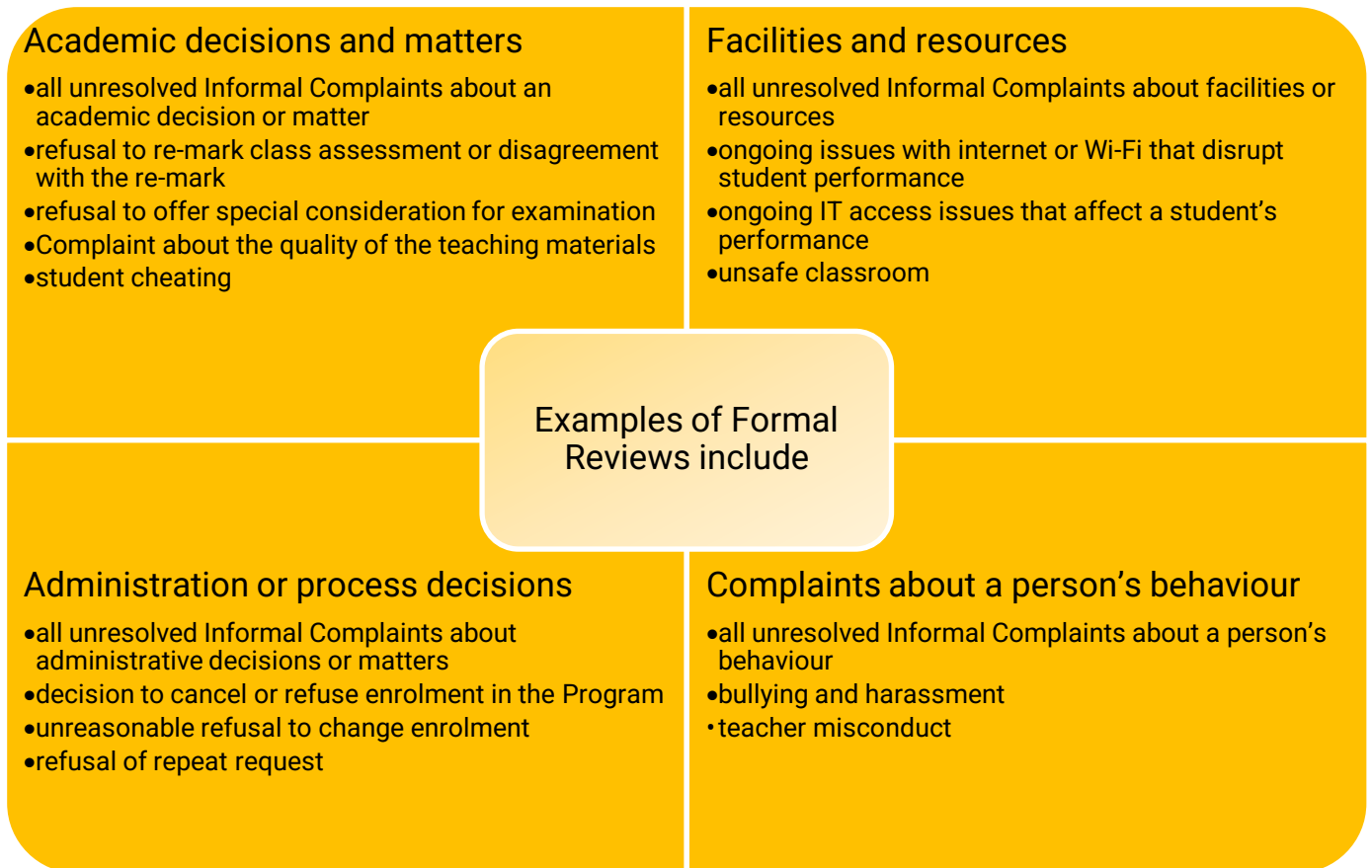
All Informal Complaints should be dealt with by the original decision maker or the person responsible for the matter. The TNE Provider must ensure that the original decision maker or the person responsible for the matter considers the matter properly and provides a response to the Complainant as soon as possible and within five working days of receiving the Informal Complaint. If the matter is not dealt with in this timeframe or to the reasonable satisfaction of the Complainant, the Complainant may submit the Complaint to Stage 2: Formal Review Process.

3.2. STAGE 2: Formal Review Process

If the Complaint is more serious or is not able to be resolved at Stage 1: Informal Complaint Process, the Complainant may request a Formal Review of the decision or situation.

A more serious Complaint is one that materially affects the rights of a person, affects the rights of other people or which is not straightforward and cannot be immediately attended to. It might also be one that is escalated due to a lack of corrective or timely action by the original decision maker.

STAGE 2: Formal Reviews must be requested to the TNE Provider in writing.



Complainants must put their Complaint in writing providing as much relevant detail as possible and submit the Complaint to the TNE Provider. The information to be provided includes:

- a) the nature of the Complaint (Academic, Facilities, Administrative, Behaviour);
- b) what the issue is;
- c) details of STAGE 1 (who the Complaint was made to, when, and the response);
- d) how it affects the Complainant;
- e) what is the solution sought by the Complainant;
- f) details of witnesses or supporting evidence; and
- g) relevant documentation to support the Complaint.

It is important that all relevant information is included at this stage because an Appeal cannot be made on the facts or merits, only on a defect in the process (see section 3.3 below).

3.2.1. Allocation of responsibility

Once in receipt of the Complaint, the TNE Provider will consider the material provided and either:

- a) commence its investigation and review of the matter if the Complaint falls within its area of control (such as a Complaint about TNE Provider staff conduct or relating to a decision made by the TNE Provider); or
- b) refer the matter to UNSW College if the matter is a UNSW College matter (such as a Complaint relating to the marking of examination assessments or the quality of the Program teaching materials).

The table below shows what matters are dealt with by the TNE Provider and what will be referred to UNSW College.

TNE Provider responsibility	UNSW College responsibility
TNE Provider staff conduct or decisions	All examination-related matters (e.g., exam set-up, special consideration requests)
Minor academic issues including minor Academic Misconduct	Serious academic issues including serious Academic Misconduct, as defined in the "TNE Student Misconduct Procedure"
Decisions about entry/enrolment	Quality of Program teaching materials or student guides
Tuition fees	Ongoing or systemic issues with UNSW College facilities and platforms (LMS, Online Library, Student Portal etc.)
Teacher conduct or quality	Conduct or behavior of UNSW College staff
Quality of classroom or classroom facilities	Complaints about TNE Agent
Minor and straightforward IT issues	

3.2.2. Handling Complaints

Within 2 working days of receiving the Complaint, the TNE Provider will:

- a) acknowledge receipt of the Complaint and confirm whether the Complaint is being dealt with by the TNE Provider or by UNSW College;
- b) record the Complaint in the TNE Complaints Register (including uploading relevant documents); and,
- c) if the Complaint is a UNSW College matter, refer the matter on to UNSW College.

The person reviewing the Complaint will:

- a) consider all detail provided;
- b) advise the Complainant whether more information is required;
- c) conduct such interviews as required;
- d) determine whether the original decision should be varied or confirmed;
- e) use all reasonable endeavours to provide its written decision, setting out reasons, to the Complainant within 10 working days of acknowledgement of receipt of the Complaint. Note that this timeframe may be extended where further information is required to be provided; and
- f) update the TNE Complaints Register with the outcome.

3.3. STAGE 3: Internal Appeal Process

If the Complainant is not satisfied with how the decision was made in Stage 2: Formal Review Process, the Complainant may appeal the decision (and is now referred to as the "Appellant").

Appeals may be made on the grounds of lack of procedural fairness only. Procedural fairness, also known as 'natural justice', is the principle that due process will be followed, the Complainant will have a right to be heard and will be entitled to an unbiased and fair decision-making process.

An Appeal cannot be made simply because the Complainant does not agree with the outcome. There must be some defect in the process such that the outcome has been made unfairly.

An example of a failure in due process is if the reviewer did not take into account some relevant evidence and this impacted the reviewer's ability to make a fair decision, or if the reviewer incorrectly interpreted the relevant procedure.

In other words, there is no right to appeal the merits or the facts of the decision.

An Appeal must be made within 10 working days of the written decision being issued to the Complainant. The Appeal will be sent to: TNE-Head@unswcollege.edu.au.

STAGE 3: Internal Appeals must be made in writing to UNSW College and will be determined:

- a) in respect to decisions made during Stage 2 by the TNE Provider, by UNSW College Head, TNE; or
- b) in respect to decisions made during Stage 2 by UNSW College, by UNSW College TNE Appeals Committee.

The Appellant must set out all relevant facts and considerations and, in particular, why or how the reviewer has made an incorrect decision. As noted above, an Appeal cannot be made on the facts of the matter, so the Appellant must set out how the Complaints and Appeal process has not been properly followed.

3.3.1. Appeal to UNSW College Head, TNE

The UNSW College Head, TNE may seek further information and conduct interviews with the Appellant and relevant witnesses. Provided the UNSW College Head, TNE is presented with all relevant information, a final outcome will be communicated to the Appellant in writing within 10 working days, setting out reasons.

Note that a decision by the UNSW College Head, TNE may be Appealed to the UNSW College TNE Appeals Committee, following the same process set out in this section 3.3.

3.3.2. Appeal to the UNSW College TNE Appeals Committee

Where the matter is referred to the UNSW College TNE Appeals Committee, the UNSW College TNE Appeals Committee will be formed consisting of the members outlined in section 1.4. The UNSW College TNE Appeals Committee will determine the outcome of the Appeal within 20 working days of UNSW College's receipt of a Stage 3 Internal Appeal request and issue a written decision to the Appellant within a further 10 working days.

The UNSW College Head, TNE will update the TNE Complaints Register with the outcome.

Subject to any Stage 4: External Appeal Process, UNSW College and/or the TNE Provider (as appropriate) will implement any decision and/or corrective action required.

3.4. STAGE 4: External Appeal Process

An Appellant may lodge an Appeal of a decision made in Stage 3: Internal Appeal Process with a relevant external regulatory agency or body, or otherwise at any point during the internal Complaints and Appeals process if such an agency or body exists in the Territory. Appellants should be aware that external agencies or bodies may require them to have lodged a Complaint or Appeal with UNSW College or the TNE Provider before they become involved.

Appellants should also be aware that there might be more than one external agency or body that deals with Complaints and Appeals from Appellants and they should take care to direct their Complaint or Appeal to the correct external agency or body. Appellants should visit the website of the external agency or body or contact the agency or body directly if they have any questions or require more information.

4. Responsibilities

4.1. TNE Provider Responsibilities in handling Complaints

TNE Provider will comply with this procedure and act fairly and reasonably at all times. In particular, the TNE Provider will:

- a) make this procedure available to TNE Students, applicants, TNE staff, TNE teachers and Sub-Providers;
- b) make available the Formal Review Request Form for Complainants;
- c) receive all Complaints;
- d) deal with Informal Complaints promptly and within five working days of receiving the Informal Complaint;
- e) record all stage 2 Formal Reviews on the TNE Complaints Register;
- f) upload relevant documentation to the TNE Complaints Register;
- g) within 2 working days of receiving a stage 2 Formal Review, acknowledge receipt and confirm whether the Complaint will be dealt with by the TNE Provider or by UNSW College, referring to the allocation of responsibilities in section 3.2.1;
- h) refer complaints to UNSW College that are within UNSW College's responsibility;
- i) deal with Complaints within its area of responsibility and inform and consult with UNSW College as necessary in relation to such Complaints; and
- j) in dealing with stage 2 Formal Reviews undertake the following the steps:
- k) consider all detail provided;
 - i) advise the Complainant whether more information is required;
 - ii) conduct such interviews as required;
 - iii) determine whether the original decision should be varied or confirmed;
 - iv) use all reasonable endeavours to provide its written decision, setting out reasons, to the Complainant within 10 working days of acknowledgement of receipt of the Complaint (this timeframe may be extended where further information is required to be provided); and
 - v) update the TNE Complaints Register with the outcome.

4.2. UNSW College Responsibilities in handling Complaints

UNSW College will comply with this procedure and act fairly and reasonably at all times. In particular, UNSW College will:

- a) make this procedure available to TNE Providers and UNSW College staff;
- b) make available the Internal Appeal Form for Appellants;
- c) deal with Complaints that are referred to it by the TNE Provider and consult with the TNE Provider as necessary in relation to such Complaints;
- d) upload relevant documentation to the TNE Complaints Register;
- e) in dealing with stage 2 Formal Reviews undertake the following the steps:
 - i) acknowledge receipt of complaint;
 - ii) consider all detail provided;
 - iii) advise the Complainant whether more information is required;

- iv) conduct such interviews as required;
 - v) determine whether the original decision should be varied or confirmed;
 - vi) use all reasonable endeavours to provide its written decision, setting out reasons, to the Complainant within 10 working days of acknowledgement of receipt of the Complaint (this timeframe may be extended where further information is required to be provided); and
 - vii) update the TNE Complaints Register with the outcome;
- f) deal with all stage 3 Internal Appeals as follows:
- i) Appeals from a decision of the TNE Provider will be dealt with by the Head, TNE, within 10 working days of receipt of all relevant information; and
 - ii) Appeals from a decision of UNSW College will be dealt with by the UNSW College TNE Appeals Committee who will hold determine the matter within 20 working days of receipt of the Appeal and provide its written decision within 10 working days of the determination.

4.3. Where this Procedure Does Not Apply

UNSW College may refuse to make the Complaints and Appeals process available for:

- a) Complaints about decisions or actions of UNSW (including their staff);
- b) Complaints which are made more than 10 working days after the issue first arises (in which case the Complaint will be dealt with at UNSW College's discretion); or
- c) matters where a more suitable alternative process is applicable, such as for criminal or unlawful conduct.