

Institution	Universal Institute of Technology
Policy Name	Complaints & Appeals
Policy Number	ADM 004
Policy Governance	Executive Management Group (EMG)
Date of Development	December 2017
Date of Approval	January 2018
Review Date	December 2019
Version No.	2.0
References:	SRTO 6 ESOS/NCP Std 10

1 Purpose

Universal Institute of Technology (UIT) endeavors to create a positive learning environment for students, in which each student has the opportunity to achieve their personal best. Part of maintaining that positive environment is a fair, effective and transparent complaints and appeals procedure made available to all students and staff.

Sections

1	Purpose.....	1
2	Policy.....	2
3	Definitions.....	3
4	Complaints procedure	4
4.1	Informal Complaints.....	4
4.2	Formal Complaints	4
5	Internal appeals procedure including appeals against assessment	4
6	Complaint or Appeal actions	5
6.1	Categorisation	6
7	External appeals procedure for International Students.....	6
8	External appeals procedure for Domestic Students.....	7
9	Complaints to the regulator	8
10	Continuous improvement.....	8

11	Flow Chart	9
12	Publication	10
13	Forms	10
14	Related documents	10

2 Policy

Despite all efforts of UIT to provide excellent services to its students, complaints may occasionally arise that require formal resolution, or students may appeal against a complaint outcome or educational determination (e.g. Assessment result).

Therefore UIT has a complaints and appeals policy to:

- a. ensure all students, including overseas students have the right to natural justice protected through access to professional, timely, inexpensive and documented complaints handling and appeals processes;
- b. ensure the principles of procedural fairness are adopted at every stage of the complaints and appeals process are publicly available;
- c. set out the procedure for making a complaint or requesting an appeal;
- d. ensure complaints and requests for appeal are acknowledged in writing and finalised as soon as practicable; and
- e. provide for review by an appropriate party independent of UIT and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.

UIT will follow the complaints and appeals policy to manage and respond to allegations involving the conduct of:

- a. UIT, its trainers, assessors or other staff;
- b. a third party providing services on UIT's behalf e.g. recruitment agent; or
- c. a student of UIT.

Staff also have the right to avail themselves of this process.

UIT views all complaints as an opportunity for continuous improvement.

This policy and procedure is compliant with the VET Quality Framework (VQF) and the ESOS National Code in providing a process for complaints and appeals to be heard and actioned where necessary.

UIT will provide:

- a complaints and appeals procedure that is premised on the principles of confidentiality, fairness, and objectivity. The Access and Equity Policy will apply.

- Should students exercise their right to make a formal complaint or appeal, their enrolment at UIT will be maintained and they will be expected to continue their studies and follow the student code of conduct whilst the complaint and/or appeals processes are underway.
- All necessary information for applicants regarding this policy in information will be provided:
 - a. in any literature that any applicant has access to (including the website) that they may receive prior to application;
 - b. as a part of the agreement between UIT and the applicant;
 - c. at Orientation; and
 - d. generally available whilst a student is enrolled – e.g. on the UIT website
- The internal complaints and appeals process will be at no cost to the complainant/appellant.
- This process is freely available to all students and may be accessed at any time.
- The student may be supported/ accompanied by an independent person/ friend.
- Whilst a student is going through any formal complaint or appeal process, the student will remain enrolled at UIT and will continue their studies and assessments in the normal way. **However, if the complaint or appeal relates to the student being suspended or excluded as a result of a breach of the Student Code of Conduct (in the Student Handbook), then that suspension or exclusion shall continue until either it has expired or the result of the complaint or appeal is decided in the students favour.**
- While UIT considers that it has a professional, fair and transparent informal and formal complaints and appeals process, should the student require it, access is available to an independent mediator to review the complaint and/or appeals process.

Important: see notes at beginning of section on External Appeals Procedure below.

NOTE: If the outcome is in the appellant’s favour then UIT will implement any changes recommended by the adjudicator immediately and advise the appellant of the outcome and actions taken.

- UIT will:
 - a. securely maintain records of all complaints and appeals and their outcomes, and
 - b. identify potential causes of complaints and appeals and take appropriate and corrective action to eliminate or mitigate the likelihood of reoccurrence

3 Definitions

<i>Complaint</i>	An informal or formal written allegation of a breach of rules, policies or governing regulations of UIT either by a staff member or a student.
<i>Appeal</i>	A request that an administrative decision or a complaint outcome be resubmitted for formal review or reconsideration
<i>Appellant/ Complainant</i>	A student (or staff member) who wishes to activate the complaints and appeals process
<i>External Appeals Process</i>	For Domestic students the service provided by Resolution Institute, that is available to access once the internal process has been exhausted at a minimal

	<p>cost.</p> <p>http://www.resolution.institute</p> <p>For International students there is free access to the Overseas Students Ombudsman Service (http://www.oso.gov.au/)</p>
--	---

4 Complaints procedure

The following procedure provides students and staff the opportunity to have any issues relating to a substantiated complaint or appeal resolved amicably. The internal complaints and appeals process will be at no cost to the student.

The following outlines the steps undertaken for complaints and appeals:

4.1 Informal Complaints

Whenever possible, those with a grievance should attempt to resolve the issue with the person/persons directly involved. For example a student should approach their trainer in the first instance on any matters relating to their training or assessment.

This may include advice, discussions, and general mediation in relation to the issue and the student's complaint. Any staff can be involved in this informal process to resolve issues. If, after all attempts the issue remains unresolved, then a formal complaint may be lodged.

4.2 Formal Complaints

Any current or potential student may submit a formal complaint to UIT with the reasonable expectation that all complaints will be treated with fairness, integrity and privacy. There is no cost for the complaints process unless it is referred to a third party. Complaints must be lodged using the Complaints Form available at Reception. Given below is the process that is then followed.

The steps to be followed for both a complaint and an internal appeal are shown in the flowchart Item11. The process to be followed for an external appeal is documented by the Overseas Students Ombudsman (OSO) in section 7 who provides the services (see below) or Resolution Institute for Domestic Students in section 8.

5 Internal appeals procedure including appeals against assessment

All students have the right to appeal decisions made by UIT where reasonable grounds can be established. The areas in which a student may appeal a decision made by UIT include:

- a. Assessments conducted – for rules relating to assessment criteria see the Assessment Policy and Procedure;
- b. Deferral, suspension, or cancellation decisions made in relation to a student's enrolment; and
- c. Or any other conclusion / decision made after a complaint (see above) has been dealt with by UIT in the first instance.

6 Complaint or Appeal actions

The following actions must be completed for a complaint or internal appeal:

Review of Complaint or Appeal	Once a complaint or appeal is received and is checked for completeness it should be forwarded to the review person (identified in the categorisation table 6.1) for review
Cost	There will be no charge to the complainant or appellant for the lodgment or presentation of their case. Incidental expenses for attending UIT offices to lodge the document or attend a meeting or any charges incurred (e.g. telephone, travel) will NOT be reimbursed.
Presentation of case	All complainants and appellants must be given the opportunity to formally present their case and to be accompanied by a friend or third party to support them (and if language is an issue to help them present their case). The cost to accompany that friend/third party will be at their own cost.
Determination	<p>The Review Person may gather evidence and constitute a review committee as they see fit.</p> <p>The Review Person must commence the process within 10 working days of the lodgment of the complaint or appeal (and receipt of all supporting evidence) and complete the process within a reasonable period usually 10- 15 working days.</p> <p>If further evidence is requested, then the Review Person must communicate with the complainant or appellant as soon as practical and within 5 working days asking for evidence. The process will be put on hold until the evidence is received.</p> <p>How a decision is reached will be advised in the written response to the complainant or appellant.</p>
Timescale	<p>The complaint or appeal should normally be commenced within 10 working days of the deposit of completed form and associated supporting material. See “Determination” above in relation to request of supplementary information.</p> <p>If, for some reason, it should take more than 60 calendar days to finalise the complaint or appeal, UIT will :</p> <ul style="list-style-type: none"> • inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and • regularly update the complainant or appellant on the progress of the matter
Appeal following a complaint	If the complainant is not happy with the decision they may appeal. That appeal is on the fairness and objectivity of the decision.
Formal response to a complaint	<p>A template for a formal written response has been developed for when the complaint is accepted or rejected. This will be modified to include detailed reasoning as to the determination.</p> <p>This includes the complainant’s right to access the Internal Appeals process and the detailed reasons for the outcome</p>

Formal response to an appeal	A template for a formal written response has been developed for when the appeal is accepted or rejected. This includes the complainant's right to access the External Appeals process.
Documentation	All documentation relating to a formal complaint or appeal MUST be lodged on the student's file. This is to include the initial form, supporting evidence, meeting minutes, determination and copy of correspondence with all concerned parties. This information will be stored confidentially and securely for 7 years
Complaints and Appeals Register	All formal complaints or appeals must be recorded in the Complaints and Appeals Register.
Learning	A complaint or appeal is a learning opportunity for UIT. The outcome will be seen as an input to the continuous improvement process. Any decisions that support students will be immediately implemented.

6.1 Categorisation

The nature of the complaint or appeal will be categorised as follows:	Matter referred to the following:
Administrative Complaint. Complaints against the delivery of administrative and support services and facilities.	Administration Manager/ Student Services Officer
Academic Complaint. Complaints against teachers/trainers, training delivery and assessment and the like.	Academic Manager
Student Conduct Complaint. Complaints against misconduct/ misbehaviour of students.	Academic Manager/ Administration Manager
Appeal	CEO

7 External appeals procedure for International Students

- The purpose of the external appeals process is to consider whether UIT has followed its student complaints and appeals policy and procedure, and should only be enacted after exhausting of the internal procedures described above.
- If you wish to lodge an external appeal or complaint about a decision made by the internal appeals process, you can contact the Overseas Students Ombudsman. The Overseas Student Ombudsman offers a free and independent service for overseas students who have a complaint or wish to lodge an external appeal about a decision made by their private education or training provider. See the Overseas Students Ombudsman website www.oso.gov.au or phone 1300 362 072 for more information.
- The Overseas Student Ombudsman can investigate complaints about action taken by private providers in connection with *overseas students*. Complaints might, for example, be about:
 - refusing admission to a course

- fees and refunds
- course or provider transfers
- course progress or attendance
- cancellation of enrolment
- accommodation or work arranged by a provider
- incorrect advice given by an education agent
- There is no charge for lodging an appeal.
- If the internal or external complaints handling or appeals process results in a decision or recommendation in favour of the overseas student, UIT will immediately implement the decision or recommendation and/or take preventive or corrective action required by the decision, and advise the overseas student of that action.
- If an appeal is against UIT's decision to report the student for unsatisfactory course progress then UIT will maintain the student's enrolment (i.e. not report the student for unsatisfactory progress or attendance) until the external appeals process is complete and has supported the provider's decision to report.
- If an appeal is against UIT's decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment, UIT only needs to await the outcome of the internal appeals process (supporting the provider) before notifying the Department of Home Affairs through PRISMS of the change to the student's enrolment.
- If the overseas student is not successful in UIT's internal complaints and appeals process, UIT will advise the overseas student within 10 working days of concluding the internal review of the overseas student's right to access an external complaints handling and appeals process at minimal or no cost. UIT will provide the overseas student with the contact details of the appropriate complaints handling and external appeals body.

8 External appeals procedure for Domestic Students

- The purpose of the external appeals process is to consider whether UIT has followed its student complaint and appeals procedure, and should only be enacted after exhausting the internal procedures described above.
- If the complainant is dissatisfied with the outcome of the complaint at the end of the internal process, they may wish to have the matter dealt with through an external dispute resolution process facilitated by Resolution Institute.
- The process is described on the Resolution Institute site <https://www.resolution.institute/>
- Following the receipt of the outcome of the external appeal UIT must immediately implement the decision, convey the outcome to the student, place a copy of the documentation on the student's file and undertake any improvement actions arising from the complaint.
- If an appeal is against UIT's decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment at UIT then UIT will only reinstate the student upon the appeal being upheld.

- The division of the expenses associated with the mediation eg. mediator's fee, room hire and possibly travel expenses are to be shared equally between UIT and the complainant.

Discussion / Negotiation

- The parties agree that in the event of a dispute arising they shall first meet and attempt to resolve the issues of concern by means of discussion and personal negotiation. If this process does not resolve the issue(s), they shall refer the matter to mediation.

Mediation – Resolution Institute Student Mediation Scheme

- The parties must endeavour to settle any dispute in connection with the contract by mediation. Such mediation is to be conducted by a mediator who is independent of the parties and appointed by agreement of the parties or, failing agreement within seven (7) days of receiving any party's notice of dispute, by a person appointed by the Chair of Resolution Institute or the Chair's designated representative

Rules

- The Resolution Institute Mediation Rules shall apply to the mediation, a copy of which is available from the Academic Manager.

Arbitration or Litigation

- It is a condition precedent to the right of either party to commence arbitration or litigation other than for interlocutory relief that it has first offered to submit the dispute to mediation.

9 Complaints to the regulator

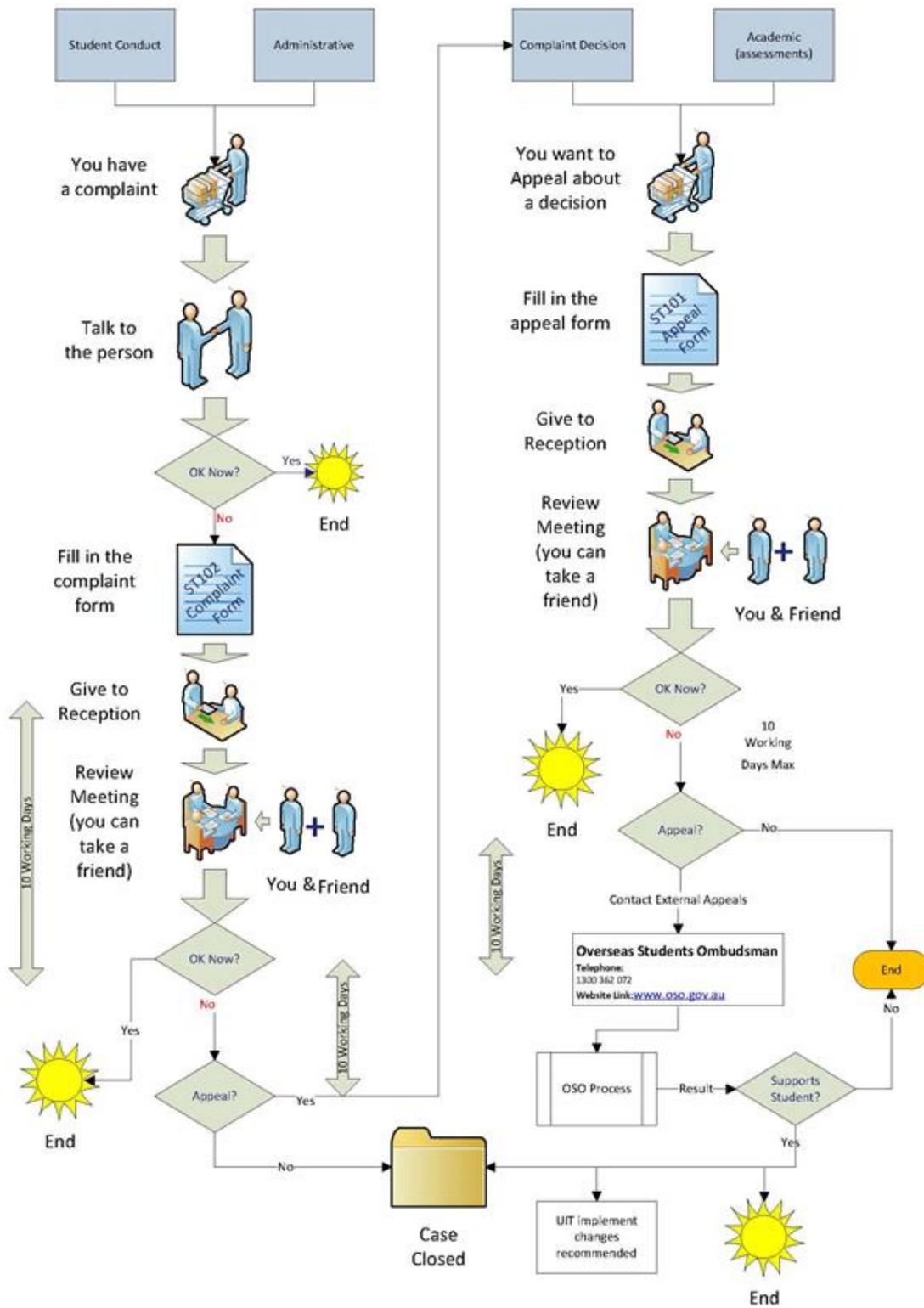
- If students intend to make a complaint about the RTO to the regulator, they must first follow UIT's internal complaints and appeals procedure.
- If, after following the internal procedures, the complainant wishes to make an official complaint to the regulator, they can complete the [Complaint about a training organisation operating under ASQA's jurisdiction](#) form provided by the Australian Skills Quality Authority (ASQA) on their website <http://www.asqa.gov.au/complaints/making-a-complaint.html>

10 Continuous improvement

A summary of all complaints and appeals received in the Complaints and Appeals Register will be presented as a part of the continuous improvement policy and procedure at the Executive Management Meeting for review. The purpose of this is to ensure management become aware of:

- issues that may be repeating themselves
- short falls in Assessment processes – either as a part of the process or in implementation (individually or collectively)
- students that may be being vexatious in using the process
- common threads relating to the general management and or safety of the staff and students and the services being provided.
- (when viewed collectively) any general adverse trend that needs correcting

11 Flow Chart



12 Publication

This document will be available to all students and staff for access from the UIT website or in hardcopy form from the Reception.

13 Forms

- S02 - Complaints Form
- S01 - Appeal Form
- S03a & b Letter Informing Results re: Complaints
- S04a & b Letter Informing Results re: Internal Appeal
- S05a & b Letter Informing Results re: External Appeal

14 Related documents

- PM08 Complaints and Appeals.pdf – Process Map
- R01 Complaints and Appeals Register
- ACA003 Student Transfer Policy
- ACA005 Course Progress Policy
- ACA006 Attendance Monitoring Policy
- ACA008 Deferment, Suspension, Cancellation Policy
- ADM005 Quality Assurance & Continuous Improvement Policy
- ADM007 Records Management Policy