



# Student Complaint Handling, Appeals and Resolution Policy

## 1. Purpose

- 1.1 Western Sydney University International College (WSUIC) ensures that all students have access to a transparent, fair and simple complaints process.
- 1.2 This policy must be read in conjunction with the WSUIC Acceptable Behaviour Policy, the WSUIC Misconduct Rule, the WSUIC Staff Code of Conduct, WSUIC Code of Practice and the WSUIC Appeals Committee Terms of Reference.

## 2. Scope

Any current or prospective student of WSUIC who experiences incorrect, inappropriate or unfair treatment in the course of their relationship with WSUIC is entitled to access the complaints process set out in this policy. Complaints and appeals may relate to WSUIC and its staff, WSUIC's education agents or other parties involved in the delivery of WSUIC courses.

## 3. Definitions

### *'Appeal'*

A formal process to challenge a decision made on a particular matter

### *'Appellant'*

A person lodging an appeal

### *'Appeals Committee'*

The Appeals Committee is responsible for the impartial hearing of appeals from WSUIC students in relation to academic and non-academic matters. The Appeals Committee considers appeals including but not limited to: exclusion for unsatisfactory academic performance, imposition of penalties for academic misconduct, review of marks application, transfer of provider, non-academic misconduct, complaints and administrative decisions of WSUIC. The Chair of the Appeals Committee is the College Director and Principal or a person appointed by the College Director and Principal.

### *'Complaint'*

A complaint is an expression of dissatisfaction occurring as a result of routine WSUIC operations

### *'Complainant'*

A person lodging a complaint



*'Respondent'*

A person responding to a complaint or appeal

*'Relevant Executive Manager/Officer'*

A person responding to a complaint or appeal

*'TEQSA'*

Refers to the Tertiary Education Quality and Standards Agency, Australia's independent national quality assurance and regulatory agency for higher education.

#### **4. Policy Statement**

- 4.1 A student has the right to raise a complaint or appeal, and to have that matter considered with courtesy, in a timely manner and without fear of prejudicial treatment.
- 4.2 This policy sets out the procedures which students should follow when they have a complaint or appeal in accordance with the Higher Education Standards Framework (HESF) 2015 and the ESOS National Code 2018.
- 4.3 WSUIC believes complaints and appeals should be resolved, wherever possible and appropriate at the informal level with a minimum of formal procedures. Wherever possible, an informal process involving discussion between a student and a member of staff will be conducted in each case to try to resolve the issue prior to a formal appeal being lodged.

#### **5. Policy Principles**

- 5.1 The consideration of complaints and appeals will be dealt with according to principles of procedural fairness which respect the right of a complainant or appellant to be heard by an impartial party.
- 5.2 In all matters of dissatisfaction, students and staff should attempt to resolve the conflict informally in a cooperative manner. If this is not possible, or the outcome is unsatisfactory, the formal process may be commenced. It is best practice that issues are resolved as close to the source as possible.
- 5.3 Complainants, appellants and respondents will not be subject to discrimination or harassment resulting from their participation in the complaints or appeal process.
- 5.4 Staff will make all attempts to respond to complaints within the time limits set out in this policy.
- 5.5 This policy will be made available to the students and the public on the WSUIC website and SharePoint site and students will be alerted to the process and who to contact as part of their orientation to WSUIC.



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- 5.6 Complainants, appellants and/or respondents have the right to be represented, or accompanied, by a third party (such as a family member, friend, counsellor, or other professional support person other than a qualified legal practitioner) if they so desire.
- 5.7 All communications arising from the complaints process, together with the proceedings of the Appeals Committee, will remain confidential, except to the extent necessary to give effect to this Policy.
- 5.8 Where the appeal relates to suspension of enrolment, students may maintain their enrolled status whilst awaiting the outcome of the appeal.
- 5.9 If, at any time during the internal or external appeals process, a decision is made which supports the complainant/appellant, WSUIC will immediately implement the decision and advise the complainant/ appellant of the outcome.
- 5.10 The WSUIC Student Services Team is available to provide students with advice and direction to prepare a written appeal. The Student Services Team cannot give advice regarding the likelihood of success.

**6. Complaints and Appeals Procedure**

- 6.1 Table 1 sets the resolution contacts responsible for assessing complaints and appeals.
- 6.2 For the purposes of this policy, cases are grouped into two broad categories depending upon how they arise:
  - 6.2.1 **Complaint:** a consequence of dissatisfaction with an aspect of routine operations at WSUIC
  - 6.2.2 **Appeal:** in response to a decision made by WSUIC on a particular matter

**Table 1: Assessors of Complaints or Appeals**

<b>(1) Area of Complaint/ Appeal</b>	<b>(2) Informal Resolution Contact: Relevant Executive Manager/Officer</b>	<b>(3) Alternative staff if the nominated staff in Column 2 is the subject of the complaint</b>
Academic	Academic Director or delegated Course Convenor	College Director and Principal
Student Support Services	Director of Quality and Student Administration or delegated staff	College Director and Principal
Personal Safety and Security	College Director and Principal or delegated Manager	n/a
Facilities	Director of Quality and Student Administration (or equivalent) College Director and Principal	n/a
IT Provisions – hardware/equipment	Western Sydney University IT Help Desk	n/a



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<b>(1) Area of Complaint/ Appeal</b>	<b>(2) Informal Resolution Contact: Relevant Executive Manager/Officer</b>	<b>(3) Alternative staff if the nominated staff in Column 2 is the subject of the complaint</b>
IT Provisions – applications (e.g. Moodle, student management system, enrolment)	Navitas IT Help Desk	n/a
Fees	Appointed Navitas Finance Representative	n/a
Marketing	Director of Marketing and Admissions	College Director and Principal
Admissions	Admissions Manager or Director of Marketing and Admissions	College Director and Principal
Administration Services	Director of Quality and Student Administration or delegated staff	Academic Director
Enrolments	Director of Quality and Student Administration or Academic Director	College Director and Principal
General Complaints	Director of Quality and Student Administration or a nominee	Academic Director

### 6.3 Complaints Resolution Procedure

- 6.3.1 A student who wishes to complain or who has concerns will contact a member of the Student Services Team who will identify the appropriate person to direct the complaint or concerns to. The Student Services Team will book an appointment with the relevant WSUIC Executive Manager or delegate for the student.
- 6.3.2 The relevant WSUIC Manager or delegate will attempt to resolve the complaint informally to establish a mutually acceptable outcome.
- 6.3.3 In the case where a mutually acceptable outcome has not been reached, the student may submit a formal complaint application using the WSUIC Student Complaint Form to WSUIC Student Services or by email to: [WSUIC-Complaint@westernsydney.edu.au](mailto:WSUIC-Complaint@westernsydney.edu.au). The student will receive an acknowledgement for forms submitted via email. For forms handed in to Student Services, an email will be sent by Student Services to the student to acknowledge receipt of the form.
- 6.3.4 The complaint will be recorded on the WSUIC Complaints Register by the Student Services team. A copy of this form will also be saved on the WSUIC share drive by the Student Services team.
- 6.3.5 The formal complaint will be forwarded via email by Student Services to the relevant contact person as described in Table 1.



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- 6.3.6 The relevant contact person will undertake a formal investigation which may include discussions with the complainant and/or the respondent or in the case of a service provision, the responsible department or business.
- 6.3.7 Students will be notified by the relevant member of the Student Services Team of the outcome within 10 working days in writing. This will include the grounds for this outcome. Where an outcome may take longer, the student will be notified as to the process and expected timeframe to resolution and decision.

#### **6.4 Appeal Against A Formal Decision Concerning a Registered Complaint**

Where the appellant is not satisfied with the outcome of the complaint resolution process, the appellant may lodge an appeal with the WSUIC Appeals Committee by emailing Director of Quality and Student Administration. The student should follow the process stated below when lodging a Formal Appeal to the WSUIC Appeals Committee (Clause 6.5). The appeal should be lodged within 10 working days of the date of the outcome of the complaint resolution process. The student should follow the process stated below when lodging a Formal Appeal to the WSUIC Appeals Committee (Clause 6.5).

#### **6.5 Formal Appeal to the WSUIC Appeals Committee**

6.5.1 A written appeal can be lodged with the Appeals Committee where the appellant is not satisfied with the outcome of the complaints resolution process and believes that:

- 6.5.1.1 there was insufficient opportunity to present their case to the decision-maker; or
- 6.5.1.2 the process was not carried out in accordance with relevant WSUIC policy or procedures; or
- 6.5.1.3 the decision was made contrary to the evidence provided; or
- 6.5.1.4 new information or evidence is available that has not been previously considered;

6.5.2 The Appeals Committee shall consider the appeal in order to determine whether it should be accepted for hearing, in whole or in part, or rejected on any one or a mix of the following bases:

- 6.5.2.1 the appeal does not address one or more of the criteria above where the appellant is not satisfied with the outcome of the complaints resolution;
- 6.5.2.2 the student has not provided WSUIC with accurate contact details and ensured they are available to receive notifications;
- 6.5.2.3 late or non-receipt of official communications. These will not normally be accepted as grounds for an appeal to be heard, if changes of address have not been notified and received by WSUIC in a timely way; or
- 6.5.2.4 the appeal is lodged outside the time allowed for lodgment of an appeal



unless there are compassionate and compelling circumstances.

- 6.5.3 If an appeal is rejected on any of the grounds outlined above, the Appeals Committee will respond in writing to the student and explain the grounds for rejection. Where appropriate and feasible, the Appeals Committee representative or delegated Executive Manager/Officer may assist the student by clarifying the criteria that must be met in order for the Appeals Committee to accept the appeal for hearing.
- 6.5.4 On accepting an appeal for hearing, the Appeals Committee will take all reasonable steps to consider the appeal and respond in writing to the appellant within 10 working days of receipt of the appeal documentation. In order to ensure the fullest consideration of the appeal, the Appeals Committee may ask either the appellant or the respondent (or both) to present their case in person to the Committee.
- 6.5.5 The Appeals Committee may recommend a change in WSUIC policy or procedure as a result of deliberations. The relevant Executive Manager will be asked to respond with an action plan, or a rationale as to why action is not required.
- 6.5.6 There is no cost associated with an appeal to the Appeals Committee.
- 6.5.7 Copies of all related documentation and communications are to be saved on the student's records as well as on the WSUIC share drive.

## **6.6 Appeal Against a Formal Decision from the Appeals Committee**

Where the appellant is not satisfied with the decisions made by the Appeals Committee, the appellant may lodge an external appeal to the WSUIC nominated independent appeals reviewer. The external appeal should be lodged within 20 working days of the date of the outcome from the Appeals Committee. The student should follow the process stated below if proceeding with an External Appeal to the WSUIC Nominated Independent Appeals Reviewer (Clause 6.7).

## **6.7 External Appeal to the WSUIC Nominated Independent Appeals Reviewer**

- 6.7.1 The student has the right to review by an appropriate independent third party if the student is not satisfied with the outcome of the Appeals Committee hearing, and believes that:
  - 6.7.1.1 there was insufficient opportunity to present their case to the decision-maker; or
  - 6.7.1.2 the process was not carried out in accordance with WSUIC policy or procedures; or
  - 6.7.1.3 the decision was made contrary to the evidence provided; or
  - 6.7.1.4 new information or evidence is available that has not been previously considered,
- 6.7.2 In the instance where a student has a complaint of a non-academic, administrative or commercial nature such as the refund of fees, racial or sexual discrimination; or a



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situation where they feel their health and safety on campus is jeopardised, a WSUIC student may contact any of the following organisations for assistance:

- Department of Fair Trading (<http://www.fairtrading.nsw.gov.au>)
- NSW Ombudsman ([www.ombo.nsw.gov.au/contact-us](http://www.ombo.nsw.gov.au/contact-us))
- Administrative Appeals Tribunal (<http://www.aat.gov.au>)

6.7.3 The student may also contact the Office of the Commonwealth Ombudsman who investigates complaints that international students have with private education providers. The student must complete the form online at [www.oso.gov.au/making-a-complaint/](http://www.oso.gov.au/making-a-complaint/) using the link “online complaint form”. This is a free government service.

<b>Overseas Student Ombudsman Details</b>	
<b>Email:</b>	<a href="mailto:ombudsman@ombudsman.gov.au">ombudsman@ombudsman.gov.au</a>
<b>Website:</b>	<a href="http://www.oso.gov.au">www.oso.gov.au</a>
<b>Phone:</b>	1300 362 072 within Australia/ Outside Australia call +61 2 6276 0111 ext. 6
<b>Enquiries:</b>	Monday to Friday - 9:00am to 5:00pm
<b>Postal:</b>	GPO Box 442 Canberra ACT 2601

6.7.4 The appellant may go to the external review organisation of their choice who will consult with the appellant to resolve the complaint. The appellant will bear any costs associated with the external review.

6.7.5 WSUIC agrees to be bound by the independent reviewer’s recommendations. The College Director and Principal or delegate will ensure that any recommendations made are implemented immediately upon receipt of the report.

6.7.6 If a complaint still remains unresolved after the external dispute resolution process, the complainant may decide to refer the matter to an external agency such as the [NSW Anti-Discrimination Board](#) or the [NSW Office of Fair Trading](#) (Sydney Centre).

## **6.8 Administrative Procedures**

6.8.1 Records of all complaints and appeals will be kept for a period of seven years. These records will be strictly confidential and maintained in the student files.





- 6.8.2 Recommendations for improvement made by the Appeals Committee will be considered by Executive Management and responded to within 30 working days of notification.
- 6.8.3 Recommendations arising from any external review of the Complaints Handling Policy, or related procedures, will be implemented within 90 working days of notification.

## **7. Monitoring & Reporting**

The Director of Quality and Student Administration is responsible for the collation and analysis of information about the type, causes and numbers of student complaints and appeals on an annual basis. A report on the results of this analysis is to be provided to the Academic Board, Risk and Compliance Committee and the WSUIC Board of Directors as requested.

## **8. Consumer Rights**

The procedures set out in this policy do not replace or modify procedures or any other responsibilities which may arise under other policies or under statute or any other law. Nothing in this policy and procedures document limits the rights of individuals to take action under Australia's consumer protection laws. Also, these procedures do not circumscribe an individual's right to pursue other legal remedies.

## **9. Quality and Compliance**

- 9.1 This policy is reviewed periodically (at a minimum every two years) to ensure regulatory compliance, operational currency, the identification of continuous improvement opportunities and risk identification and mitigation. This review is reflected in WSUIC's Risk Management Framework.
- 9.2 This policy will be available on the WSUIC website for students and the WSUIC SharePoint site for staff access and its procedures will be directly communicated to students during their orientation to WSUIC.
- 9.3 Emails will be issued to all staff and students to inform and update them on any changes to the policy and/or procedures and guidelines.
- 9.4 New staff will receive policy information during the induction process where it relates to their position.

## **10. Related Forms and Documents**

- WSUIC Student Complaint Form
- WSUIC Complaints Register





**11. Related Policies, Procedures, Guidelines and Legislation**

- ❏ POL 19 WSUIC Acceptable Behavior Policy
- ❏ POL 37 WSUIC Privacy Policy
- ❏ POL 38 WSUIC Records Management Policy
- ❏ RULE 01 WSUIC Misconduct Rule
- ❏ POL 26 WSUIC Academic Integrity Policy
- ❏ POL 21 WSUIC Staff Code of Conduct
- ❏ POL 10 WSUIC Code of Practice
- ❏ WSUIC Appeals Committee Terms of Reference
- ❏ ESOS National Code 2018 Standard 10 Complaints and Appeals
- ❏ Higher Education Standards Framework (HESF) 2021 2.4 Student Grievances and Complaints; 5.2 Academic and Research Integrity; 7 Representation, Information and Information Management
- ❏ National Standards for Foundation Programs Standard 5

**Approval and Amendment History**

<b>Approval Authority:</b>	Western Sydney University International College Academic Board
<b>Policy Owners:</b>	Academic Director/Director of Quality and Student Administration
<b>Approval Date:</b>	02/11/2016
<b>Date for Next Review:</b>	30/07/2026



<b>Amendments</b>		
<b>Revision Date</b>	<b>Version</b>	<b>Summary of changes</b>
2/11/2016	1	New policy developed
31/07/2019	1.1	Reformatting throughout. Updated Table 1 to assign general complaints to Student Services Manager and not to the CDP. Added clause 6.6. Clause 6.7 – Change of heading from External Appeal Information to External Complaint and Appeal Information; Re-write of Clause 6.7.1 and the addition of clauses 6.7.1.1 and 6.7.1.2 to differentiate between the type of complaints managed by listed organisations and the addition of referral to TEQSA for complaints related to academic quality. Updated definitions by adding Appeals Committee. Updated Section 11 with relevant National Code 2018 Standards and HESF 2015 domains.
18/06/2021	2.0	Inclusion of Overseas Student Ombudsman as an external appeal avenue. Minor amendments to update responsible staff (titles) Removal of Appendix A (Form)
04/04/2023	2.0	Minor grammatical changes
30/07/2024	2.1	Update to scope Section 2 by addition of : Complaints and appeals may relate to WSUIC and its staff, WSUIC's education agents or other parties involved in the delivery of WSUIC courses. Update to sub-clause 6.3.7 about grounds for outcome.