

## Transition Program Online Complaints and Appeals Policy

### 1. Purpose

OpenLearning is committed to delivering a high standard of education and training to all of its students. One way that OpenLearning fulfills this commitment is by ensuring that all Transition Program Online students have access to a robust and fair complaints and appeals process.

The purpose of this policy is to explain how OpenLearning handles complaints and appeals made by Transition Program Online students or applicants. It contains the process to be followed by the students or applicants if they wish to make a complaint or appeal a decision.

Please note that this Policy has been prepared and will be maintained by OpenLearning as the deliverer of the Transition Program Online. This is not a UNSW College or UNSW policy.

### 2. Scope

This policy applies to:

- (a) All Transition Program Online students who have accepted their offer and paid their fees; and,
- (b) All applicants who formally applied to be enrolled in the Transition Program Online.

### 3. Definitions

*Appeal* means a written appeal against a decision made by OpenLearning lodged in accordance with this policy.

*Appellant* means a person specified in the scope of this policy who makes an appeal in accordance with this policy.

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*Complaint* means an expression of dissatisfaction, described in this policy, and lodged in accordance with this policy.

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

*Program* has the same meaning as Transition Program Online and may be used interchangeably in this Policy.

*Transition Program Online* means the program delivered by Open Learning Global Pty Ltd (trading as OpenLearning) proudly delivered under licence from UNSW and UNSW College.

*Vexatious Complaint* means a complaint without merit, which intends to cause inconvenience, harassment or expense to OpenLearning.

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

OpenLearning is committed to complaint and appeal processes which help ensure that Transition Program Online students have a fulfilling and rewarding learning experience.

##### **4.1. OpenLearning's Commitment to Procedural Fairness**

The following principles apply to the complaint and appeal processes set out in this policy:

- 4.1.1. Where possible and appropriate, Complaints are handled informally by the original decision maker, or Student Experience Team;
- 4.1.2. All Complaints and Appeals are finalised within a reasonable timeframe;
- 4.1.3. The principles of procedural fairness and natural justice apply to all Complaints and Appeals;
- 4.1.4. Where Complaints are about a person's behaviour, all parties involved in the Complaint or Appeal must maintain confidentiality about the complaint or appeal;

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- 4.1.5. Notes and documentation are kept at all stages of the Formal Review and Internal Appeal Process (Stages 2 and 3) including records of meetings, discussions and actions proposed or taken;
- 4.1.6. Information and records about a Complaint are confidential and should only be disclosed to staff of OpenLearning with direct involvement in the process to enable proper investigation of the matter. However, OpenLearning may disclose records about a Complaint to its legal advisers, insurers and, if necessary, to an external agency;
- 4.1.7. All Complainants who seek a Formal Review or an Internal Appeal under Stages 2 and 3, will be provided with a written statement of the outcome of their complaint or appeal, including the reasons for the decision; and
- 4.1.8. At any stage a Complainant may decide to withdraw a Complaint or an Appeal. Any withdrawal must be in writing by email to [studentsupport@openlearning.com](mailto:studentsupport@openlearning.com).

#### 4.2. Complainant's Rights Under This Policy

All Complainants accessing the Complaints and Appeals processes set out in this policy can expect the following:

- 4.2.1. There is no direct cost to a Complainant for making a Complaint or requesting an Appeal;
- 4.2.2. Complainants will not suffer any reprisal as a result of lodging a Complaint or an Appeal;
- 4.2.3. Complainants may be accompanied by a support person during the Complaints and Appeals process;
- 4.2.4. A Transition Program Online student's enrolment will be maintained while the Complaint and Appeals process is ongoing; and
- 4.2.5. Complainants may choose to have their Complaint reviewed by an external complaint handling body (see section 6).

#### 4.3. Complainant's Obligations Under This Policy

Similarly, the Complainants who engage in the Complaints and Appeals process set out in this policy are expected to:

- 4.3.1. Act in good faith;
- 4.3.2. Avoid making Vexatious Complaints;

- 4.3.3. Provide proper documentation where required;
- 4.3.4. Meet timeframes stipulated under this policy; and
- 4.3.5. Maintain confidentiality where a Complaint is about a person's behaviour (see section 5 below).

## 5. Types of Complaints

There are three types of Complaints within the scope of this policy:

### 5.1. Complaints About Academic Decisions and Matters

Students may make a Complaint about academic decisions and matters where any of the following apply:

- 5.1.1. The Complaint relates to a lack of procedural fairness or inconsistent application of Transition Program Online policy or procedure; or
- 5.1.2. The Transition Program Online student does not consider the matter has been satisfactorily resolved under the relevant Transition Program Online policy or procedure.

### 5.2. Complaints About a Person's Behaviour

Complainants may make a Complaint relating to the behaviour of:

- 5.2.1. Other Students of or applicants to the Transition Program Online;
- 5.2.2. Academic staff (including contract staff and guest lecturers);
- 5.2.3. Professional and technical staff (including casual and contract staff); and
- 5.2.4. People external to OpenLearning with whom Transition Program Online students interact with as part of their program.

### 5.3. Complaints About Administration or Process

Complainants may make a Complaint relating to administrative issues or processes including Complaints about the inconsistent application of Transition Program Online policy or procedure, denial of procedural fairness, failure to provide rights and incorrect advice leading to detriment.

## 6. Complaints and Appeals Process

In most circumstances Complaints from Transition Program Online students follow a four-stage process:

### 6.1. Stage 1: Informal Complaint Process

This approach is suitable for straightforward issues that are urgent but not serious, or administrative in nature. Complainants are encouraged to attempt to resolve their Complaint informally by contacting the original decision maker or Student Experience Team. Stage 1 Informal Complaints may be made via phone and/or in writing via email.

Examples of Informal Complaints include, but are not limited to:

- Late return of assessment results
- Disagreement over marks
- Teacher quality feedback
- Wrong attendance recorded
- Wrong information provided by staff
- Customer service feedback.

### 6.2. Stage 2: Formal Review Process

This approach is to be used where the Stage 1: Informal Complaint Process does not resolve the Complaint or in the case where the Complaint is more serious in nature. Stage 2: Formal Reviews must be requested 5 business days from the date the issue has arisen in writing via email to the Student Experience Team at [studentsupport@openlearning.com](mailto:studentsupport@openlearning.com).

Examples of Complaints that may be submitted to formal review include, but are not limited to:

- Refusal to change stream
- All unresolved Informal Complaints
- Refusal of repeat request
- Bullying and harassment
- Decision to cancel enrolment
- Refusal to issue a refund
- Refusal to allow a leave of absence.

If a formal review was submitted for a group assessment, all participants must be in agreement before a request for a formal review of the group's result may be requested. All participants must be included on the Transition Program Online Formal Review Form when submitting the request.

The following reasons are not grounds for a request for a formal review of a result:

- Lack of language proficiency
- Challenges to the specified learning outcomes of the course
- Challenges to the assessment methods approved for the course
- Challenges to the standard required to receive particular marks in the course
- Marks received by other students
- The need for additional marks to achieve a higher mark or as to avoid lowering GPA
- A penalty imposed on a student for academic misconduct in accordance with OpenLearning policies and procedures.

A formal review of your assessment may result in the mark being adjusted upwards or downwards.

### 6.3. Stage 3: Internal Appeal Process

An Appellant may appeal a decision made in the Stage 2: Formal Review Process or any decision or outcome arising from student misconduct.

Appeals may be made on the grounds of lack of procedural fairness only. Procedural fairness, also known as natural justice, is a principle of law concerned with the procedures used by the decision maker, rather than the outcome reached.

There is no right to appeal the merits of the decision. In other words, an Appellant has no right of appeal simply because they do not agree with the decision.

Stage 3: Internal Appeals must be made in writing via email to the Student Experience Team at [studentsupport@openlearning.com](mailto:studentsupport@openlearning.com).

If the outcome of the Appeal is favourable to the Appellant, OpenLearning will implement any decision and/or reasonable correction action required.

#### 6.4. Stage 4: External Appeal Process

An Appellant may lodge an Appeal with the relevant external agency, against a decision made in the Stage 3: Internal Appeal Process, or otherwise at any point during the internal Complaints and Appeals process. Appellants should be aware that external agencies may require them to have lodged a Complaint or Appeal with OpenLearning before they become involved.

Appellants should also be aware that there is more than one external body that deals with Complaints and Appeals from Transition Program Online Appellants and they should take care to direct their Complaint or Appeal to the correct external body (see section 8). Appellants should visit the websites of the external bodies or contact the external agency directly if they have any questions or require more information.

### 7. How to Make a Complaint or Appeal

If you need help or have questions about the Complaints and Appeals process, contact the Student Support team via [studentsupport@openlearning.com](mailto:studentsupport@openlearning.com).

Stage:	Student to:	OpenLearning to:
1. Informal Complaint Process	Attempt to resolve issues by contacting either the original decision maker or Student Experience Team. This should be done as soon as possible after the issue arises.	Respond as soon as possible after the issue is identified.
2. Formal Review Process	Email a completed Stage 2: Transition Program Online Formal Review Form to <a href="mailto:studentsupport@openlearning.com">studentsupport@openlearning.com</a> within 5 business days of the issue arising or receiving a response to the Stage 1: Informal Complaint.	Refer the Complaint to the appropriate person for investigation and resolution. Acknowledge the Complaint within 5 business days of receiving the completed Stage 2: Transition Program Online Formal Review Form.

		<p>Schedule an interview if required.</p> <p>Inform the student of the outcome of their Complaint, including the reasons for the outcome, within 5 business days of the acknowledgement of the Complaint or of any interview conducted.</p>
3. Internal Appeal Process	<p>Email a completed Stage 3: Transition Program Online Internal Appeal Form to <a href="mailto:studentsupport@openlearning.com">studentsupport@openlearning.com</a> within 5 business days of receiving the outcome of the Stage 2: Formal Review Process.</p>	<p>Acknowledge the Appeal within 5 business days of receiving the completed Stage 3: Transition Program Online Internal Appeal Form.</p> <p>Refer the Appeal to the OpenLearning Appeals Committee, who will determine the outcome of the appeal within 5 business days of receiving the completed Stage 3: Transition Program Online Internal Appeal Form.</p> <p>Send a written statement of the outcome of the appeal, including the reasons for the outcome, within 5 business of the appeal hearing by the OpenLearning Appeals Committee.</p>



4. External Appeal Process	If you commence an external appeal, so that your enrolment can be maintained during the appeal process, you must inform us in writing by emailing <a href="mailto:studentsupport@openlearning.com">studentsupport@openlearning.com</a>	
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## 8. External Appeal Bodies

- 8.1.1. Complaints that relate to the discriminatory behaviour of a person (whether in relation to age, disability, race or sex) should be referred to the Australian Human Rights Commission or the Anti-Discrimination Board of NSW.

## 9. Where This Policy Does Not Apply

OpenLearning may refuse to make the Complaints process available for:

- 9.1.1. Complaints about decisions or actions of UNSW or UNSW College;
- 9.1.2. Complaints which are made more than 10 business days after the issue first arises (in which case the Complaint will be dealt with at OpenLearning's discretion); or
- 9.1.3. Matters where a more suitable alternative process is applicable.

## 10. Legal and Policy Framework

This Policy operates within the context of, and subject to, Australian State and Commonwealth legislation.

### 10.1. Responsibilities

#### 10.1.1. Approver

The Academic Director, Australia is responsible for the approval of this policy.

#### 10.1.2. Responsible officer

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The Academic Director, Australia is responsible for the implementation, dissemination and review of this policy.

10.1.3. Contact officer

The Manager, Teaching and Learning is responsible for the day-to-day implementation of this policy and is the first point of contact for all enquiries that relate to this policy.

10.1.4. Staff

OpenLearning staff are responsible for assisting in the implementation of and adherence to this policy.

10.2. Review

This policy is due for review five years from its date of implementation.

<b>Version</b>	1.2
<b>Approved by</b>	Dr Shazia K Jan Academic Director, Australia
<b>Approval date</b>	4 <sup>th</sup> July 2023
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<b>Next review</b>	18 <sup>th</sup> January 2026
<b>Accountable role</b>	Academic Director, Australia
<b>Related documents</b>	Transition Program Online Formal Review Form Transition Program Online Internal Appeal Form