Compliance Breach Management Procedure for Heads of Schools, Institutes and Executive Deans

Version 3 - Approved 15 May 2023

Contents

Purpose

This procedure sets out the process by which identified compliance breaches in respect of the *TEQSA Act* (2011) and *HESF Standards (2021)* [see instruments below] must be managed by Heads of Schools and Institutes, and College Executive Deans and reported in a timely manner to the Deputy Vice-Chancellor Academic.

Applicable governance instruments

Instrument	Section	Principles
Tertiary Education Quality and Standards Agency (TEQSA) Act, 2011 (Cth)	Division 2 – Conditions of Registration, 29	N/A
Higher Educational Standards Framework (Threshold Standards), 2021 (Cth)	Domains 1-7	N/A
Education Services for Overseas Students Act (ESOS) 2000	Division 2: National Code	N/A
2.2 Student Complaints Policy	2-9	All
5.1 Quality Assurance Policy	1 Quality Assurance	All
5.3 Compliance Policy	1 – 4	All
6.1 Safety and Wellbeing Policy	1 - 7	
6.4 Behaviour Policy	1 - 4	All

Definitions and acronyms can be found at: https://www.utas.edu.au/policy/policy-definitions
Related policy and procedures can be found at: https://www.utas.edu.au/policy

6.3 People Policy	1 - 4	All

Procedure

1. Background

Within each College, Heads of Schools and Institutes (Heads) are accountable to the Executive Dean for a range of management matters. These accountabilities are described in each Head's position description and typically include, but are not limited to:

    a) ensuring the quality, relevance and sustainability of learning and teaching;

    b) maintaining the delivery of a high-quality educational experience for students;

    c) maintaining the impact and relevance of research;

    d) undertaking strategic planning to drive contributions and performance in alignment with the broader strategic directions of the College and University;

    e) undertaking people management and planning, including:

        i. appropriate career development for staff;

        ii. succession planning;

        iii. oversight of staff performance;

        iv. proactive support for positive values and behaviour; and

        v. attention to diversity and equity.

    f) maintaining financial position and performance in the context of the College budget; and

    g) engaging in effective relationships with external stakeholders.

The College Executive Dean is, in turn, accountable for the systematic planning, management and monitoring of College performance in the context of its strategy.

2. Student-focussed approaches for Heads and Executive Deans

Processes and practices are expected to be, at all times, student-focused, consistent with the *University Behaviour Policy*, and based on a shared understanding of expectations of staff and students in all interactions. Two principles guide the University's approach:

    a) **Respect and empathy**: that respect, fairness, empathy, and timeliness are demonstrated in all interactions with students; and

    b) **Accuracy**: that student-related interactions and decisions correctly apply internal policy and uphold our obligations to students under the *Higher Education Standards Framework (Threshold Standards) 2021 (Cth)* and other legislative instruments.

These principles entail a commitment that all student-related matters are handled with fairness, respect, empathy and by decision-makers armed with the knowledge necessary to make the correct determination.

3. Compliance obligations of Heads and Executive Deans

Heads and Executive Deans have role-specific accountability to ensure ongoing local maintenance of, and strict compliance with, the *Higher Education Standards Framework (Threshold Standards), 2021 (Cth)* and other relevant national regulatory instruments, such as the *National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth)*.

These instruments define the broad requirements and quality assurance measures with which the University must comply, and are subject to external monitoring, predominantly by the national higher education regulators, the Tertiary Education Quality and Standards Agency (TEQSA), the Australian Skills Quality Authority (ASQA) and other bodies.

The University recognises these responsibilities in its Risk Management Framework, wherein the requirements for strict compliance are reflected as 'Tier One' (highest level) strategic and operational risks.

The University actively assures the highest levels of compliance with Higher Education regulatory standards , including through this procedure which identifies the requirement that Heads and Executive Deans to manage and report compliance breaches consistent with their responsibilities and accountabilities.

Heads and Executive Deans carry significant, role-specific responsibility for compliance with the Higher Education Standards locally within each School, Institute or College.

These role-specific responsibilities cannot be delegated.

For the University, failure to notify the regulator, in and of itself, constitutes a significant legislative breach and imperils its status as a self-accrediting Australian Higher Education Provider.

For the individual, failure to act in accordance with this Procedure in a timely manner and in respect of role-specific accountabilities constitutes a significant breach and will be classified as serious misconduct.

4. Specific accountabilities of Heads

Heads are required to directly authorise, oversee and/or monitor all activities associated with the seven domains of the *Higher Education Standards Framework*, to ensure that full compliance is maintained.[1] These activities include, but are not limited to:

a) Periodic formal authorisation of course and unit information in the University Course and Unit Handbook relating to:

    i. units and courses offered/coordinated by staff in the school or institute, whether wholly or primarily;

    ii. current professional accreditation status of courses, or components of courses, offered/coordinated by staff in the school or institute, whether wholly or primarily;

    iii. assessment and delivery modes of units, and the location of their delivery;

    iv. inherent requirements attaching to a course wholly or primarily delivered within the school or institute; and

    v. specific admission requirements relating to quota courses.

b) Appropriate handling of student-related grievances and misconduct, including:

    i. compliance with the University *Behaviour Policy*, including the timely referral of student matters to the Safe and Fair Community Unit (SaFCU) in the Academic Division;

    ii. induction of new staff in the proper handling of student matters; and

    iii. monitoring staff adherence to the University's protocols for the management of allegations of academic misconduct.

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[1] Domain 1 – Student Participation and Attainment, Domain 2 – Learning Environment, Domain 3 – Teaching, Domain 4 – Research and Research Training, Domain 5 – Institutional Quality Assurance, Domain 6 – Governance and Accountability, Domain 7 – Representation, Information and Information Management.

5.   Specific accountabilities of Executive Deans

Executive Deans in each College will:

a)   support the Heads of Schools and Institutes to carry out their compliance obligations, and actively manage this aspect in the context of performance;

b)   ensure appropriate induction in the matters of compliance covered in this procedure for new Heads;

c)   systematically monitor Course and Unit Handbook authorisations from constituent Schools and Institutes for their timeliness and completeness (noting that accuracy remains the responsibility of Heads at all times);

d)   systematically monitor the outcomes of student-related grievances and misconduct allegations in the College, and identify areas for improvement; and

e)   strictly observe the process of management of compliance breaches, as outlined below.

6.   Management of compliance breaches

The University's obligations to its national regulator include a legislative requirement to notify TEQSA of any material breach – or *suspected material breach* – within 14 days of the matter initially arising, at whatever level or location at which it appears.

These obligations are stipulated in the Tertiary Education Quality and Standards Agency (TEQSA) Act, 2011 and TEQSA's Material Change Policy.

Any compliance breach/suspected compliance breach/historical compliance breach, for example: incorrect professional accreditation or admissions information must

a)   be notified immediately by the Head to the Deputy Vice-Chancellor (Academic) via the Executive Dean of the College only.

b)   be formally notified to TEQSA by the Deputy Vice-Chancellor (Academic) as required;

c)   normally require that an action plan is agreed for remediation, authorised by the Deputy Vice-Chancellor (Academic) and managed by the Academic Quality and Standards office; and

d)   not be the subject of any communication by the School/Institute/College to TEQSA, any external professional body, stakeholder group or affected students, except with the express authorisation of the Deputy Vice-Chancellor (Academic).

Related procedures

Professional Accreditation Procedure

Behaviour Procedure

Student Complaints Procedure

Versions

Version	Action	Approved By	Responsible Officer/s	Approval Date

1	Approval	Provost	Director, Academic Quality and Standards	19 August 2021
2	Minor amendment approved (position title changes)	Director Governance and Compliance	Director, Academic Quality and Standards	16 May 2022
3	Approved	Pro Vice-Chancellor Strategic Projects	Director, Academic Quality and Standards	15 May 2023