

Complaints and Appeals Policy and Procedure Students

Institution	Universal Higher Education (UHE)
Policy name	Complaints and Appeals Policy and Procedure–Students
Policy Governance	Academic Board

1. Introduction

UHE provides mechanisms for students to provide feedback on their experience of learning. UHE recognises that some students may have complaints, compliments, suggestions and appeals on various aspects of learning, support services and academic and non-academic matters.

The purpose of this policy is to detail a process to be followed that promotes the timely and fair and equitable resolution of concerns or complaints (including grievances) and appeals raised by students or prospective students in their dealings with UHE.

2. Policy principles

UHE is committed to provide a supportive learning environment where students have positive learning experience. This policy applies to all students and prospective students of UHE who have a concern or complaint (including a grievance) about UHE.

3. Definitions

For the purpose of this policy:

Complainant means the student(s) or prospective student (s) notifying a complaint.

Complaint means any type of grievance, problem or concern about UHE, its education agents or any related party UHE has an arrangement with to deliver the overseas student’s course or related services.

Student Services Officer (SSO) means the nominated member/s of staff responsible for the administration of complaints under this policy. All formal complaints made under this policy must be lodged with the SSO who will investigate the complaint. The SSO will be responsible for recording and tracking formal complaints under this Policy on a confidential and securely stored database. The grievance officer is also a source of advice available for all parties involved in an investigation of a complaint and can be contacted at any stage during the complaints process for advice or assistance.

PRISMS mean Provider Registrations and International Student Management System.

Respondent means UHE or its nominated representative.

Student means any person who is currently enrolled as a student of UHE, or who was enrolled as a student of UHE within the 12-month period prior to the date the complaint was made.

Academic Registrar means the relevant UHE staff member who has the ultimate decision-making power in the complaints handling process including the final determination in relation to an Academic complaint.

Executive Manager means the relevant UHE staff member who has the ultimate decision-making power in the complaints handling process including the final determination in relation to Non- Academic complaint.

In Scope

This policy applies to:

- Current and prospective UHE students, or groups of students; and
- Former UHE students up until twelve months following:
 - Withdrawal;
 - Failure to re-enroll;
 - Expired Leave of Absence period;
 - Thesis submission
 - Completion; or Exclusion

From / in any UHE program or course of study.

Out of Scope

This policy does not apply to:

- A final grade or assessment result
- An adjustment to assessment (including special consideration, equitable assessment arrangements and future assessment adjustment
- Exclusion or termination of candidature
- Credit
 - Student Conduct (refer Student Conduct regulation);
 - Complaints brought under the Protected Disclosures Act 2012

4. Implementation

UHE recognises the important role of feedback from students and prospective students to promote a healthy, safe and productive environment which engages with stakeholders.

Legitimate complaints are an important part of that feedback and help UHE to identify and implement preventative strategies to minimise recurrent or systemic problems.

UHE will investigate and try to resolve all legitimate complaints in a fair, impartial and timely fashion. UHE takes all legitimate complaints seriously and will ensure that complainants do not suffer any disadvantage or recrimination because they make a complaint.

Anyone who makes a complaint is expected to observe the processes in place for their complaint (including those about confidentiality) and to behave in a courteous and reasonable manner towards UHE staff who investigate or decide those complaints.

Complaints and Appeals

UHE recognises that complaints/Appeals are of two types

- Academic
- Non- Academic

Scope of Academic complaints/Appeals

Any activity related to the course but not limited to issues identified below. This may include issues with

- unit,
- review of grades or academic misconduct;
- suspension and exclusion from course;
- poor academic progression, which has resulted in exclusion or
- any other issue that the student is not satisfied with the decision of the internal formal complaints process
- unit delivery
- Credits and recognition of prior learning
- Lecturers/Tutors
- Timetable
- Academic Support
- Academic welfare

Issues related to academics will be addressed to Academic registrar. Academic registrar is assigned the responsibility to investigate and resolve the identified issue.

Scope of Non-Academic complaints/Appeals

Any activity related to other than the course but not limited to issues identified below. This may include issues with

- Infrastructure
- Facilities
- Security
- Non-academic welfare issues like harassment, bullying, medical accommodation
- Non-academic staff
- IT Issues
- Complaints/Appeal against refusal of release letter/ transfers
- Complaints/Appeal against conduct of education agents

Issued related to non-academic matters will be addressed to Executive Manager (EM). The EM is assigned the responsibility to investigate and resolve the identified issue.

5. Informal Complaints

Any student or prospective student may make an informal complaint at any time within 12 months from the date of the event leading to the complaint. A complaint can be made face to face, by telephone, by e-mail or in writing. Many problems or concerns tend to arise through misunderstandings and UHE believes that, in most cases, they are best dealt with quickly and informally with the person concerned.

However, there are times when a person who wishes to make a complaint feels uncomfortable about approaching a member of staff, particularly if the complaint is a serious one or involves that staff member. In these cases, an informal complaint can be made through the appropriate member of UHE staff at the local level such as a Course Coordinator.

UHE expects any staff member contacted about a complaint to provide the complainant with information about how to pursue the complaint, including referral to an appropriate contact or information about pursuing their complaint.

Staff members who receive a complaint shall be encouraged wherever possible, to commence assessment of the complaint within 10 working days of it being raised and finalise the outcome as soon as practicable. Where the complaint cannot be resolved in this timeframe, the Academic Registrar/ Executive Manager must be informed, and the complaint may be referred to the formal process. Academic Registrar or Executive Manager is responsible for final adjudication of formal complaint. If any member (Academic Registrar or Executive Manager or SSO) is involved in the provided complaint, then they must recuse from the process and suitable alternative members would be nominated by the CEO.

6. Formal Complaints

Any student or prospective student can make a formal complaint at any time including if they are dissatisfied with the outcome of any informal complaint already made, provided the complaint is lodged within 12 months from the date of the event leading to the complaint or within a reasonable timeframe after receiving notification of the outcome of an informal complaint.

A formal complaint must be lodged in writing (letter or email) with the **SSO addressed to Academic Registrar/ Executive Manager** based on the nature of the complaint. Academic Registrar/ Executive Manager delegates the power for investigation and preparing report to SSO. The written complaint must contain enough information necessary for the complaint to be investigated and to substantiate the complaint. All available information including a brief description of what the complaint is about, how it arose, who is involved, what (if any) steps have been taken to resolve the complaint and what outcome the complainant is seeking, should be lodged at the outset, along with any supporting documentation. In cases where no formal written complaint has been received or the complainant refuses to put their complaint in writing, the **SSO** may decide on whether an investigation is warranted.

7. Anonymous Complaints

UHE does not generally respond to anonymous complaints unless they involve allegations of a serious nature, such as corruption or criminal behaviour. Where appropriate, the **SSO** may decide that an investigation is warranted.

8. Withdrawal of Complaints

Any student or prospective student may withdraw their complaint at any stage of the informal or formal process. If the formal process is underway, any withdrawal must be in writing. In most instances, UHE will then deem the complaint resolved. However, in certain circumstances UHE may deem the complaint serious enough for an internal investigation to continue or for referral to an external agency.

9. Determination Process

On receipt of a formal complaint the **SSO** will:

- a. record the complaint on a confidential and securely stored database;
- b. send an acknowledgement of receipt of the complaint to the complainant within 5 working days; and
- c. determine whether the complaint is to be referred to the Academic Registrar/ Executive Manager under the formal procedure.

Where the SSO determines that the complaint will not be investigated, he or she will notify the complainant of this decision and provide reasons in writing to the complainant, normally within 10 working days of receipt of the complaint. SSO must also notify the Academic Registrar/ Executive Manager of this decision for record keeping purposes.

Where it is determined that the complaint will be investigated under this policy, the **SSO** will investigate the complaint. The **SSO** will liaise with the relevant UHE officer/s to investigate the complaint. The **SSO** will advise the complainant of the investigation in writing, and commence assessment of the complaint within 10 working days of it being raised and finalise the outcome as soon as practicable

Both the complainant and respondent will have the opportunity to present their cases in writing. This process will include ensuring all parties are in receipt of these procedures and providing the respondent with written details of the complaint. Where practicable, the **SSO** must seek the complainant's permission prior to releasing details of the complaint to the respondent.

The SSO will examine the relevant documentation, interview relevant parties where necessary and seek clarification on information supplied from the relevant parties where required.

Both the complainant and the respondent are entitled to invite a support person or a neutral third party to attend any interviews or meetings conducted during the formal process. The support person can be a fellow student, staff member, friend or family member. The support person may not act as an advocate or a lawyer for the complainant.

The investigation will be concluded, normally within 20 working days of the receipt of the complaint or as soon as practicable. Where this is not possible, the SSO must keep the complainant informed of the reason and expected finalisation date in writing. The SSO will keep a written record of the complaint, including a statement of the outcome and reasons for the outcome along with the associated documents. This will be forwarded to the Academic Registrar/ Executive Manager for final adjudication.

At the conclusion of the investigation, the Academic Registrar/ Executive Manager will provide one of the following written recommendations:

- (1) that the complaint has been substantiated and recommendations including a written statement of the outcome of the complaint, including detailed reasons of the outcome on any action required; or

- (2) that the complaint has not been substantiated. In most cases no further action will be required. A closure report is prepared and is sent to the student with a copy filed in students record

10. Internal Appeal

Where a student is not satisfied with the outcome of a decision, they may appeal to the Appeals Committee. The committee constitutes of CEO, Chief Academic Officer and a neutral academic or non-academic staff member depending on the type of appeal. The CEO will be the chair of the appeals committee. Chair must ensure that the committee is gender balanced as practicable. Any staff member who has been a part of the process involving adjudication or part of the complaint prior to appeal shall not be a part of the appeals committee.

This request, clearly stating the reasons for appeal, must be submitted in writing on the prescribed form to the Appeals Committee within twenty (20) working days of the date on which the Committee has made a decision on:

- Unit result;
- review of grades or academic misconduct;
- deferral, suspension, cancellation and exclusion from course;
- poor academic progression, which has resulted in exclusion or
- any other issue that the student is not satisfied with the decision of the internal formal complaints process
- unit delivery
- Credits and recognition of prior learning
- Lecturers/Tutors
- Timetable
- Academic Support
- Academic welfare
- Infrastructure
- Facilities
- Security
- Non-academic welfare issues like harassment, bullying, medical accommodation
- Non-academic staff
- IT Issues
- Appeal against refusal of release letter
- Appeal against Notice of intention to report for unsatisfactory course progress or student code of conduct
- Appeals against conduct of education agents

A late appeal may be received at the discretion of the Chair of the Appeals Committee.
A decision of the Appeals Committee shall be final within UHE.

11. UHE appeals procedure:

Upon receipt of an appeal, the Appeals committee shall nominate a staff member, independent of the subject of the complaint to investigate and submit a report to the appeal committee in the appropriate format.

If the appeal is received out of time, the Chair of the Appeals Committee may grant an extension where the student is able to satisfy the Chair that the appeal is lodged late through no fault of the student.

- The delegated staff will write to the student confirming receipt of the appeal and clarifying or stating grounds of appeal. If the student has not first made an official query to the Academic Registrar or Executive Manager as appropriate the student will be requested to do so before the Appeal can be considered unless the appeal is against a decision made by the CAO or Program Coordinators with regards to:
 - review of grades or academic misconduct;
 - suspension and exclusion from course;
 - poor academic progression, which has resulted in exclusion

An appeal will not be regarded as having been 'received' until:

- a. the grounds of appeal are clarified with the student, and
- b. there is written evidence that the student has already queried the matter with the appropriate person.

The delegated staff will seek to obtain relevant information, including:

- a. establishing the date of posting on the web of the grade or formal date of sending of notification of exclusion to the student;
- b. establishing the date of formal communication with UHE;
- c. the student's academic transcript;
- d. the outline or equivalent document under which assessment or the assessment process is being appealed;
- e. details regarding the student's performance in the unit
- f. a copy of any special consideration documentation, if relevant;
- g. Outcome of review of grade;

- h. Academic misconduct case and outcome; and
- i. any other documentation considered relevant to the appeal.

The delegated staff will forward a copy of the appeal to the CEO who will in turn forward the same to the concerned department requesting them to provide written reasons for their decision which has led to the appeal, and inviting written comment on the appeal. The relevant staff member must respond within five (5) working days of sending of the request.

The delegated staff will forward the appeal with all relevant documentation to the Chair, Appeals Committee within ten (10) working days of receipt of the appeal.

The Chair of the Appeals Committee will assess the content of the appeal and determine whether it is appropriate for the appeal to proceed to a hearing by the Appeals Committee. The delegated staff, on behalf of the Chair of the Appeals Committee, will contact the student in writing within ten working days of receipt of the appeal by the Chair, informing them if:

- a. the appeal is rejected on the basis that the grounds for appeal are lacking serious purpose, no ground of appeal is revealed on the face of the correspondence received, or the student has not followed the processes; or
- b. the Chair on behalf of the Appeals Committee is proceeding with the appeal and may be seeking further information.

The decision of the Chair of the Appeals Committee whether to proceed to a hearing by the Appeals Committee shall be final.

If it is determined by the Chair that a matter is to be referred to the Appeals Committee for a hearing, the student must be notified of this decision within twenty (10) working days of receipt of the Appeal by the delegated staff. The Appeal must be heard within ten (10) working days of receipt of the Appeal by the delegated staff.

A copy of the appeal, along with the Academic Registrar or Executive Manager comments and relevant documentation will be marked "Confidential" and distributed to committee members as business papers prior to the hearing. All documentation will be returned to the delegated staff at the conclusion of the hearing.

The student will be invited to present his or her case at the hearing. Teleconference facilities will be made available to the student if attendance in person is not reasonably convenient. At the appeal hearing, the student may be accompanied by a friend or elected student representative for support. They may be accompanied by both at the discretion of the Chair. The student is permitted to nominate a representative to speak on his or her behalf at the hearing. No legal representation will be permitted at the hearing.

When the Committee is being formed any conflict of interest of the Chair or members must be declared to the CEO. Where appropriate they may be required to stand down.

In making its determination, the Appeals Committee may do any of the following:

- confirm the original decision of the Academic Registrar or Executive Manager;
- quash the original decision of the Academic Registrar or Executive Manager and make a decision to resolve the appeal, including a change of grade

The student shall be advised in writing of the Appeals Committee 's determination including detailed reasons of the outcome within five (5) working days of the hearing.

If the overseas student is not successful in UHE's internal complaints and appeals process, UHE will advise overseas student within 10 working days of concluding the internal review of the overseas student in writing of the Appeals Committee 's determination including detailed reasons of the outcome and the student's right to access an external complaints handling and appeals process at minimal or no cost through the Overseas Students Ombudsman website www.ombudsman.gov.au if they are not satisfied with the result or conduct of the internal appeals process as described.

UHE will keep a written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome in student file.

12. External Agency

Complainants are encouraged to follow the procedures in this policy and to act in good faith to try and resolve any actual or potential complaint. The complainant may, at any stage, refer their complaint to an external agency. Where this occurs, UHE may cease any internal process. Where UHE is aware that a complaint has been lodged externally, the complaint will be recorded by the delegated staff.

13. External Appeals Procedure for Domestic Students

The purpose of the external appeals process for domestic students is to consider whether UHE has followed its student complaint and appeals procedure and should only be enacted after exhausting of 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 UHE must immediately implement the decision, convey the outcome to the student, place a copy of the documentation on the student file and undertake any improvement actions arising from the complaint.

If an appeal is against UHE's decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment at UHE then UHE 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 UHE 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 Registrar.

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.

Domestic students can also contact the [Australian Competition and Consumer Commission](#) (ACCC) about issues relevant to a student covered by Australian Consumer Law.

14. External Appeals Procedure for International Students

The purpose of the external appeals process for international students is to consider whether UHE has followed its student complaint and appeals procedure and should only be enacted after exhausting of the internal procedures described above.

If a complainant wishes to lodge an external appeal or complaint about a decision made by the internal appeal process, they can contact the Overseas Students Ombudsman. The Overseas Student Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their private higher education provider. The Overseas Students Ombudsman website www.ombudsman.gov.au or phoning 1300 362 072 provides more information about the process.

The Overseas Students Ombudsman can investigate complaints about action taken by private providers in connection with overseas students with respect to administrative processes and decisions. As noted on the OSO website, student complaints to the OSO can include:

- a. refusing admission to a course;
- b. fees and refund;
- c. course or provider transfers;
- d. course progress or attendance;
- e. cancellation of enrolment;
- f. accommodation or work arranged by a provider; and
- g. incorrect advice given by an education agent.

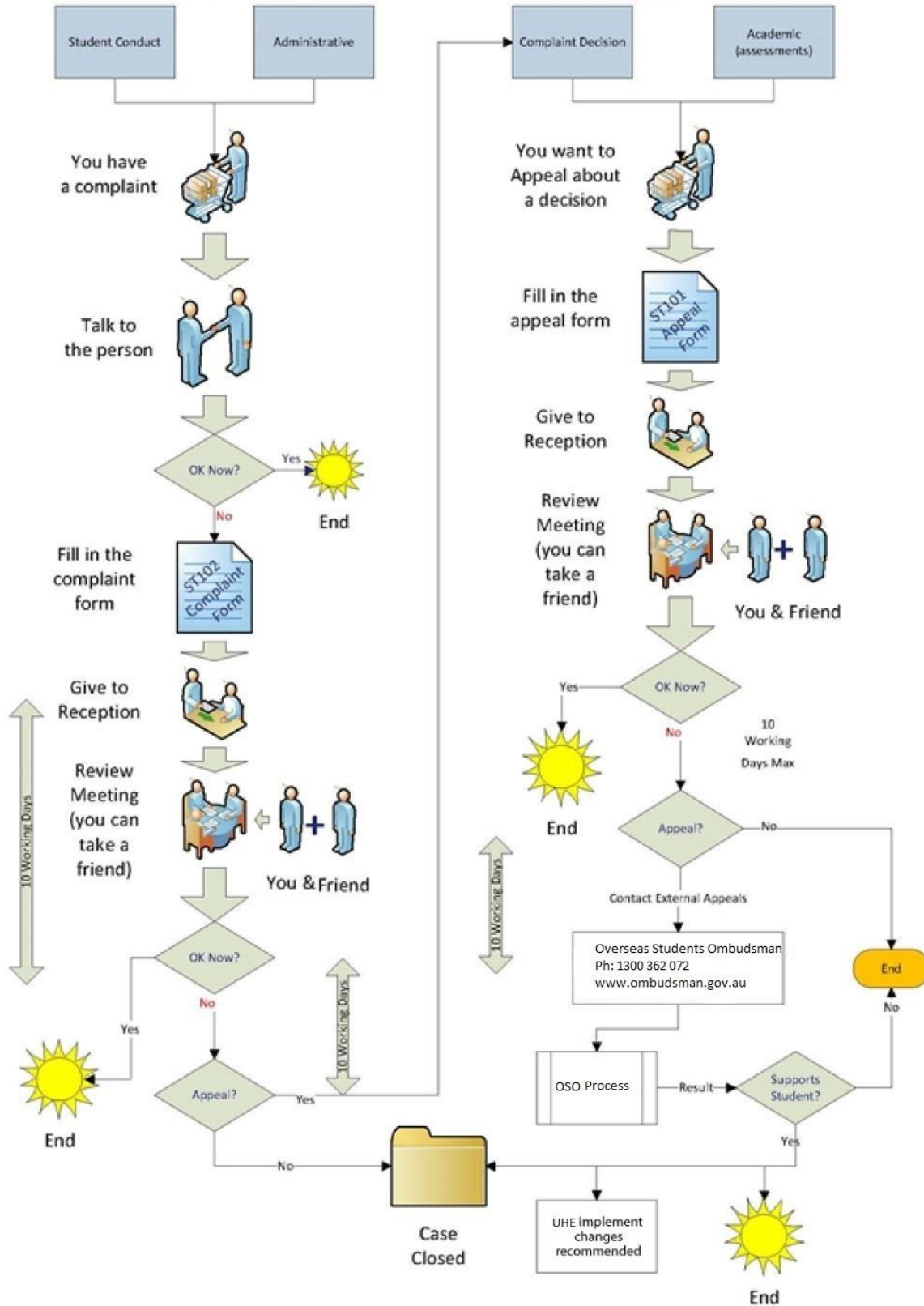
There is no charge for lodging an appeal.

Following the receipt of the outcome of the external appeal UHE must immediately implement the decision, convey the outcome to the student, place a copy of the documentation on the student file and undertake any improvement actions arising from the complaint.

If the internal or external complaints handling or appeals process results in a decision or recommendation in favour of the overseas student, UHE 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 UHE's decision to report the student for unsatisfactory course progress UHE 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 UHE's decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment, UHE only needs to await the outcome of the internal appeals process (supporting the provider) before notifying the Department of Education and Training through PRISMS of the change to the student's enrolment.

15. Flow Chart for complaints and appeals



16. Complaints to the regulator

- If students intend to make a complaint about UHE to the regulator, they must first follow UHE'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 form provided by the Tertiary Education Quality and Standards Agency (TEQSA) on their website <https://www.teqsa.gov.au/complaint-form>

17. Prospective Students

If a prospective student believes that a formal complaint has not been resolved within a reasonable time frame, or is dissatisfied with the outcome of a formal complaint, then he or she may make a written request to the Chief Executive Officer for internal review which may be subject to external appeal through a relevant agency as set out in this Policy.

18. Record Keeping

Each staff member responsible for managing a complaint must keep accurate and complete records in accordance with UHE Records Management Policy.

Each Work Unit must provide to the Academic Registrar by 30 June and 31 December in each year a de-identified statistical analysis of all formal complaints handled by that unit during the preceding six month period in a prescribed format and containing details that will enable UHE to identify and monitor any systemic issues and provide opportunities for ongoing improvement.

The Academic Registrar will be responsible for recording and tracking formal complaints and appeals under this policy on a confidential and securely stored UHE database.

19. Conflict of Interest

A participant may disqualify themselves from participating in these complaint procedures should they consider that their involvement would create a conflict of interest. The CEO is required to ensure that any participant in the processes specified by this policy has the opportunity to declare whether or not they have a conflict of interest. Any participant who perceives a possible conflict of interest should report the matter to the CEO for a determination on what action is appropriate, and the CEO may disqualify a person from participating.

20. Victimization

Any victimisation of a complainant acting in good faith will be regarded seriously and should be referred to the CEO for appropriate action. Any student who victimises a person in relation to these complaint procedures may be subject to an action under the Academic Misconduct Policy.

21. Confidentiality

There should be limited disclosure of information relating to a complaint. Dissemination of relevant information should be to as few people as possible, and only to those who are legitimately involved in the process of resolving the complaint.

All parties involved in an investigation of a complaint including the complainant, respondent and investigators are to maintain confidentiality. Any breaches of confidentiality, careless or otherwise, on the part of any of the parties involved in the resolution of the complaint will be regarded seriously and should be referred to the CEO for appropriate action.

22. Consumer Protection

Apart from the right to make complaints and seek appeal of the decisions and action under various process does not affect the students right to take action under the Australian Consumer Law.

23. Training

All UHE staff members who are or may be involved in complaints handling under this policy are to participate in appropriate training for handling complaints and grievances.

24. Internal reporting and Continuous improvement

At the end of each year the CEO will provide a report to the Academic Board and the ULG Board of Directors. The report will include number of complaints, nature of complaints, complaints resolved, involvement of external agencies, internal and external appeals and any attention required from the Academic Board or the ULG Board of Directors. The purpose of this is to ensure governing boards 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.

25. Related Policies and documents

- Complaints and Appeals Register
- International Student Transfer Policy
- Monitoring Course Progress, attendance, and course duration Policy
- Deferment, Suspension and Cancellation Policy
- Records Management Policy