

# Student Complaints and Grievances Policy (MPF1066)

## 1. Objective

The objectives of this policy are to provide:

- (a) students with a framework within which they may raise complaints or grievances in relation to decisions of or advice provided by the University. This includes but is not limited to:
  - i. decisions by academic staff members affecting individuals or groups of students;
  - ii. the content or structure of academic programs, including the nature and quality of teaching and assessment;
  - iii. supervision of students undertaking research projects;
  - iv. authorship and intellectual property;
  - v. quality of student services,
- (b) the University with a framework to ensure there are transparent, fair and timely procedures for addressing complaints and grievances in accordance with principles of natural justice, ensuring that all parties are treated equally and fairly.

## 2. Scope

- 2.1. This policy applies to all students of the University. It may also be used by former students of the University whose enrolment ended no more than 6 months before the date the complaint is lodged.
- 2.2. This policy covers issues arising from a student's involvement with the University, except where the matter relates to decisions based solely on academic or general misconduct, academic judgement, unlawful discrimination, sexual harassment or bullying, or to matters covered by the [Academic Progress Review Policy](#).
- 2.3. Complaints of unlawful discrimination, sexual harassment and bullying by or of staff or students are addressed by the [Appropriate Workplace Behaviour Policy](#) and [Student Conduct Policy](#) respectively.

## 3. Authority

This policy is made under the *University of Melbourne Act 2009* (Vic) and the Vice Chancellor Regulation and supports compliance with the:

- (a) *Educational Services for Overseas Students Act 2000* (Cth);
- (b) *National Code of Practice for Providers of Education and Training to Overseas Students 2018*;
- (c) *Higher Education Support Act 2003* (Cth); and
- (d) Academic Board Regulation.

## 4. Policy

4.1. The University is committed to providing students with an education of the highest possible quality.

4.2. As part of its commitment to quality, the University recognises that, from time to time, students may raise complaints or grievances about matters or issues relating to their experiences at the University.

### Nature of complaints

4.3. Students may raise complaints or grievances in relation to administrative decisions, including but not limited to:

- (a) decisions by administrative staff affecting individuals or groups of students
- (b) administration of policies, procedures and rules of the University
- (c) standard of service received through the University administration
- (d) access to resources or facilities.

4.4. Students may raise complaints or grievances in relation to misconduct by a University staff member, which will be managed under the [Appropriate Workplace Behaviour Policy](#).

4.5. Students may raise complaints or grievances in relation to misconduct by another student, which will be managed under the [Academic Board Regulation](#) or the [Student Conduct Policy](#) as appropriate.

4.6. Students may raise joint complaints or grievances where more than one student has been affected, in which case the matter will be considered as one issue. If two or more complaints or grievances about the same matter are submitted independently, they may be considered jointly by agreement of all parties concerned.

4.7. The University investigates anonymous complaints at the discretion of the Academic Registrar, taking into account:

- (a) the nature and seriousness of the complaint
- (b) whether there is sufficient information for an investigation to be conducted, and
- (c) whether there is a statutory requirement for investigation.

### Grounds for complaints

4.8. Grounds for complaint or grievance include, but are not limited to the following:

- (a) a student being affected by a decision made without sufficient consideration of facts, evidence or circumstances
- (b) a student being affected by a failure to adhere to appropriate or relevant published University policies and procedures
- (c) a penalty applied to the student being unduly harsh or inappropriate
- (d) a student being affected by improper or negligent conduct by another student or staff member

(e) a student being affected by unfair treatment, prejudice or bias.

## Communication and approach

4.9. The University recognises that effective communication is of paramount importance when attempting to resolve difficulties experienced by students and is committed to a culture of openness, fairness and continuous improvement.

4.10. All parties to a complaint or grievance must act in good faith and seek to achieve an amicable resolution. Intimidating, harassing, threatening or offensive behaviours are not tolerated from any parties.

4.11. All parties to a complaint or grievance must respect privacy and confidentiality, except where the release of particular information is required by law.

## Natural justice

4.12. The University gives students who raise complaints or grievances the opportunity to formally present their cases.

4.13. The University takes all appropriate measures to ensure students do not suffer any victimisation or discrimination as a result of raising complaints or grievances in good faith.

4.14. Until the complaints and appeals process is completed, the University must maintain the enrolment of the student. In the case of international students, this means the University will not notify the Department of Education of any change to the student's enrolment status through the Provider Registration and International Student Management System (PRISMS).

4.15. University staff with a role in resolving complaints and grievances will reach conclusions based on a fair hearing of each point of view.

4.16. The University keeps all parties to a complaint or grievance informed of the progress of the matter and gives all parties reasonable opportunity to respond to outcomes.

## No disadvantage

4.17. A student making a complaint or grievance is not to be disadvantaged simply by virtue of having made the complaint, unless the complaint is found to be vexatious. In particular:

(a) the complainant must not be hindered or prevented from continuing to use University facilities and attend lectures, classes, laboratories and tutorials and to submit assessment as required, simply by virtue of having made the complaint

(b) a student who is also:

i. the subject of an action by the University under the relevant Regulation, or

ii. subject to exclusion for reasons of safety, or

iii. subject to a cancellation of enrolment due to unpaid fees, where fees are unrelated to the substance of the complaint, or

iv. the subject of any relevant court order or action precluding them from attending a campus

may be excluded or prevented from attending classes on that basis, unrelated to their status as a complainant.

### Timeliness

4.18. The University must consider complaints and grievances in a timely manner, within specified and achievable timeframes.

4.19. Students should raise complaints and grievance within 12 months and as soon as possible after the event, decision or action which is the subject of the complaint or grievance. The University may be unable to investigate a complaint where, due to the length of time elapsed since the event, decision or action, there is insufficient information available to enable investigation of the complaint or grievance.

## 5. Procedural principles

### Prior to complaining

5.1. Students wishing to raise a complaint or grievance should firstly seek advice from an independent person knowledgeable about the process and aware of potential outcomes, such as:

- (a) an advocate from the [Student Union Advocacy Service](#). Additional support services are also available at the following site [services.unimelb.edu.au/finder](http://services.unimelb.edu.au/finder)
- (b) a student adviser
- (c) a graduate research coordinator
- (d) an appropriate academic staff member who is not involved in the matter in question, or
- (e) a staff member from a student support service.

5.2. The student and the independent adviser will work together to:

- (a) consider whether the complaint is reasonable
- (b) clarify the details of the matter, including the events that occurred, the basis for the complaint and the resolution sought, and
- (c) where appropriate, identify the most appropriate process under which the matter may be pursued.

5.3. The student may, on the basis of this discussion:

- (a) take no further action
- (b) make an informal approach to the person concerned (the respondent), or
- (c) [proceed directly to the complaint or grievance process](#).

### Informal resolution of complaints

5.4. Students may attempt an informal resolution by raising their concern with the person concerned or another appropriate person. Appropriate people to contact include:

- (a) the student centre manager or a student adviser
- (b) the relevant program director or academic course coordinator
- (c) the relevant associate dean, head of department, or dean
- (d) the chair of the committee if the issue relates to a committee decision, or
- (e) a supervisor, graduate research coordinator, or associate dean (research) for research higher degree students.

5.5. Staff members who are contacted by students seeking informal resolution of a complaint must, within five working days:

- (a) acknowledge receipt of the complaint
- (b) arrange to discuss the matter with the student or indicate when an initial response will be provided and in what form
- (c) attempt to clarify with relevant parties what is agreed and where opinions differ
- (d) attempt to clarify the relevant policies, procedures or processes underpinning the action to which the complaint relates
- (e) identify the appropriate manner of resolving the complaint, including seeking advice or a decision from other relevant parties
- (f) advise the student of a proposed process for resolving the complaint (mediation or escalating the matter to the Academic Registrar may be appropriate courses of action if informal resolution is unlikely to be possible), and
- (g) notify the student of his or her right to be accompanied by a support person at any meetings or discussions during the attempt at informal resolution.

## Complaints

5.6. Students who are not satisfied with the outcome of informal processes may, within five working days of receiving advice of the outcome:

- (a) proceed to the complaint or grievance process, which may involve mediation, or an independent investigation, or
- (b) lodge a complaint under another University policy or with an external agency where appropriate and available.

5.7. Students who decide to pursue the matter further are strongly encouraged to seek the continued assistance of an advocate from the [Student Union Advocacy Service](#)

5.8. The Academic Registrar may make a judgement about whether mediation is practicable and appropriate, and secure the agreement of all parties to the complaint to the use of mediation (noting that the use of mediation does not necessarily imply there is a case to answer).

5.9. The Academic Registrar will advise students of their right to lodge a grievance if mediation is deemed not to be an appropriate course of action, or the agreement of all parties is not forthcoming.

## Grievances

5.10. Where a complaint is not able to be resolved through informal processes, and the matter includes allegations of misconduct where disciplinary action against a student or staff member may be an outcome of the investigation, a student may lodge a grievance.

5.11. Grievances are formal matters that will be investigated by a case manager or an independent investigator.

5.12. The investigator must:

- (a) acknowledge receipt of the complaint or grievance in writing within five working days and indicate when a resolution of the matter should be expected
- (b) recommend any immediate corrective action that needs to be taken before the complaint or grievance is investigated
- (c) independently review the complaint or grievance including hearing from all parties who wish to partake in the process and attempt to resolve the problem
- (d) within 15 working days of receipt of the complaint or grievance, notify the student and the Academic Registrar in writing of the nature of the investigation process
- (e) provide the Academic Registrar with a report of the investigation for review prior to its release;
- (f) provide the student with the outcome of the review process, including a resolution or why a resolution could not be reached; and
- (g) notify the student and the Academic Registrar if they conclude that the grievance is frivolous, or if no grounds could be adducted to support it.

## Investigations

5.13. The Academic Registrar must undertake a quality check of all investigation reports to ensure that:

- (a) all issues raised in the student complaint or grievance are investigated
- (b) all key stakeholders are interviewed
- (c) the report is fair and balanced
- (d) all relevant circumstances have been considered
- (e) the findings and recommendations are evidence based and defensible.

5.14. The Academic Registrar may determine that a single investigation will take place into multiple complaints or grievances that relate to the same issue or respondent where the student or students lodging the complaint(s) or grievance(s) agree to this approach.

5.15. On consideration of the details of the complaint, grievance or outcome of an investigation, the Academic Registrar may:

- (a) recommend reconsideration of the original decision, or
- (b) direct the decision maker to change the original decision or outcome, noting that they may not impose a harsher outcome than initially decided, or
- (c) override the original decision.

5.16. The Academic Registrar may contact a student who repeatedly submits unreasonably persistent or vexatious complaints or grievances on a particular matter, and the person who is the subject of the complaints or grievances, to ascertain that there is prima facie evidence to support the complaint or grievance before initiating an investigation.

### Right to withdraw

5.17. Students may withdraw complaints and grievances at any time during the resolution process, and the matter will be deemed to be resolved. Notwithstanding this, the University reserves the right to continue to investigate a complaint if required to do so to satisfy other requirements or protect its own interests.

### Recordkeeping

5.18. Student complaints and grievances must be registered on a University-wide register, maintained by the Principal Advisor Complaints and Grievances, and must include data collected on student complaints and grievances submitted at faculties, student central, graduate schools and other student service delivery points.

5.19. Officers and mediators receiving complaints or grievances must keep appropriate, confidential records of informal discussions and outcomes.

5.20. Investigators must report findings and outcomes to the Academic Registrar, who must ensure appropriate, confidential records are kept.

5.21. The Academic Registrar must ensure that reporting of complaints and grievances and their resolution is undertaken in such a way as to address problems and improve existing policies, procedures and processes.

5.22. The Academic Registrar must analyse data relating to complaints and grievances on an annual basis to identify trends.

5.23. The Academic Registrar must provide an annual report on student complaints and grievances to the University Council, including quantitative and qualitative data and analysis.

### Appeals

5.24. Students may appeal the outcome of the complaints and grievances process in accordance with the Student Appeals to the Academic Board Policy.

## 6. Roles and responsibilities

<i>Role/Decision/Action</i>	<i>Responsibility</i>	<i>Conditions and limitations</i>
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Investigate complaints and grievances and/or appointment of investigator	Academic Registrar who authorises the Principal Advisor, Student Complaints and Grievances to act	In accordance with this policy. Authority to act must be made in writing.
Undertake a quality check of all investigation reports	Academic Registrar who authorises the Principal Advisor, Student Complaints and Grievances to act	In accordance with this policy. Authority to act must be made in writing.
Provide outcome notice to student following investigation	Academic Registrar who authorises the Principal Advisor, Student Complaints and Grievances to act	In accordance with this policy. Authority to act must be made in writing.
Ensure that records are kept of all actions taken under this policy	Academic Registrar who authorises the Principal Advisor, Student Complaints and Grievances to act	In accordance with this policy. Authorisation to act must be made in writing.
Identify student misconduct in complaints and triage to student discipline process	Academic Registrar who authorises the Principal Advisor, Student Complaints and Grievances to act	In accordance with University policy. Authorisation to act must be made in writing.
Identify discrimination, sexual harassment and bullying behaviours and triage to appropriate internal or external process	Academic Registrar who authorises the Principal Advisor, Student Complaints and Grievances to act	In accordance with University policy and state or federal legislation. Authorisation to act must be made in writing.
Provide annual analysis and reporting of complaints data to Council	Academic Registrar who authorises the Principal Advisor, Student Complaints and Grievances to act	In accordance with this policy.

## 7. Definitions

**Advocate** means an independent person, usually from a student association's advocacy service, who can provide a student with advice about the complaints and grievances process and the steps towards resolution, and assist the student with the submission and presentation of their complaint or grievance.

**Appeal** means a request in writing to the Academic Secretary to be heard in relation to a decision of or penalty applied by the University

**Complaint** means an issue or concern raised by a student who considers they have been wronged because of an action, decision or omission within the control or responsibility of the University.

**Grievance** means a matter to be investigated according to formal processes. This includes complaints which are not able to be resolved through informal processes or mediation, and matters relating to allegations of misconduct where disciplinary action against a student or staff member may be an outcome of the investigation.



**Student** in this policy has the meaning given to it in Part 8, Division 1 - Student Misconduct - of the Academic Board Regulation.

## POLICY APPROVER

Provost

## POLICY STEWARD

Principal Advisor, Student Grievances and Complaints

## REVIEW

This policy is to be reviewed by 6 December 2016.

## VERSION HISTORY

Version	Approved By	Approval Date	Effective Date	Sections Modified
1	Academic Board	30 Nov 2011	21 Aug 2012	New version arising from the Policy Simplification Project. Loaded into MPL as Version 1.
2	Provost	17 Nov 2013	17 Nov 2013	Changes made in response to recommendations from an internal audit of the University's student complaints and grievances policy and procedures. Approval authority corrected from Academic Board to Provost. Responsible officer changed from Provost to Academic Registrar. Implementation officer title updated.
3	Provost	19 July 2016	21 July 2016	New version arising from the Policy Consolidation Project.
4				Version 4 created in error.
5	Principal Advisor, Student Grievances and Complaints	2 Dec 2016	2 Dec 2016	Editorial amendments to sections 2.3 and 4.4, to include reference to newly published Appropriate Workplace Behaviour Policy (MPF1328).
6	Principal Advisor, Student Grievances and Complaints	2 Dec 2016	6 Dec 2016	Editorial amendment to section 2.3, correcting title of Student Conduct Policy (MPF1324)
7	Principal Advisor, Student Grievances and Complaints	9 May 2017	9 May 2017	Editorial amendment, inserting subheading before section 5.13 to clarify separation from previous sections.

8	Principal Advisor, Student Grievances and Complaints	6 Jun 2018	6 Jun 2018	Editorial change to update the National Code in section 3 Authority
9	Policy Officer	20 Jun 2018	20 Jun 2018	Fixing minor errors in document information
10	Principal Advisor, Student Grievances and Complaints	21 Jun 2018	22 Jun 2018	Editorial amendements to sections 4.5, 4.8 (b) and (d) and 5.11 to clarify language.
11	Principal Advisor, Student Grievances and Complaints	30 July 2018	31 July 2018	Minor editorial amendment to 5.3 to add link to Student Complaints and Grievances