

Student Complaints and Grievances Policy (MPF1066)

1. Objective

The objectives of this policy are to provide:

(a) students with a framework by which they may submit new complaints, escalate unresolved complaints or raise formal 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 and its impact on individual students;
- iii. supervision of students undertaking research projects;
- iv. authorship and intellectual property;
- v. quality of student services and access to University facilities and resources;

(b) the University with a framework to ensure there are transparent, fair and timely procedures for addressing student complaints and grievances in accordance with principles of natural justice, ensuring that all parties are treated equally and fairly with regard to their individual circumstances.

2. Scope

2.1. This policy applies to all students of the University.

2.2. This policy covers issues arising from a student's involvement with the University, except where the matter:

- (a) relates to decisions based solely on alleged or unsubstantiated academic or general misconduct, academic judgement, unlawful discrimination, sexual harassment or bullying, or to matters covered by the [Academic Progress Review Policy](#); or
- (b) has arisen from a student's failure to read and act upon a notice or correspondence sent to their University email account.
- (c) relates to the content of a University policy made in accordance with the University Regulatory Framework. Feedback on policy content should be provided to the policy steward listed on the 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](#) in line with sections 4.4 and 4.5.

3. Authority

This policy is made under the *University of Melbourne Act 2009* (Vic) and the [Academic Board 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) [Vice-Chancellor Regulation](#).

4. Policy

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

Nature of complaints

4.2. 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; or
- (d) access to resources or facilities.

4.3. 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](#).

4.4. Students may raise complaints or grievances in relation to misconduct by another student, which will be managed under the [Vice-Chancellor Regulation](#) and the [Student Conduct Policy](#).

4.5. 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.

4.6. The University investigates anonymous complaints at the discretion of the Academic Registrar or delegate, considering:

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

Grounds for complaints

4.7. Grounds for complaint or grievance include, but are not limited to:

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

Communication and approach

4.8. 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.

4.9. The University acknowledges the need to provide appropriate and accessible ways for students to have their complaints heard. Where reasonable adjustments to the method of lodging or considering a complaint are needed to enable a student to equitably access this process, the University will make all reasonable efforts to ensure that such adjustments are made.

4.10. 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

4.11. The University gives students who raise complaints or grievances the opportunity to raise concerns through the [online portal](#), by email or by telephone by calling 13 MELB (13 6352).

4.12. 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.

4.13. Until the complaint or grievance and appeals process is completed, the University must maintain the enrolment of the student.

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

4.15. 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

4.16. A student making a complaint or grievance is not to be disadvantaged simply by virtue of having made the complaint, unless the complaint involves unreasonable complainant conduct. 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 a relevant Regulation or Policy;
- ii. subject to exclusion for reasons of safety;
- 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

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

4.18. Current students must submit any complaint or grievance within 12 months after the event, decision or action which is the subject of the complaint or grievance.

4.19. Former students may submit any complaint or grievance in accordance with this policy provided that:

(a) the complaint or grievance is submitted within 6 months from the end of the student's enrolment; and

(b) the event, decision or action, which is the subject of the complaint or grievance, occurred within 12 months prior to the submission date.

4.20. The University may be unable to investigate an issue 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 are encouraged to 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](#);

- (b) a student advisor or liaison officer;
- (c) a graduate research coordinator;
- (d) an academic staff member who is not involved in the matter in question; or
- (e) a staff member from a student support service or residential college.

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

- (a) consider whether the complaint is reasonable and the best course of action in the circumstances;
- (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) where the matter concerns the actions or decisions of another person, make an informal approach to the person concerned (the respondent); or
- (c) [proceed directly to the complaint or grievance process](#).

Resolution of complaints

5.4. Where it is appropriate and safe to do so, Students should initially attempt resolution by raising their concerns with the respondent or another appropriate person. Relevant people to contact for this purpose may include:

- (a) the student centre manager or a student adviser;
- (b) an academic program director or course coordinator or liaison officer;
- (c) an associate dean, head of school, head of college, dean of school or dean of college;
- (d) the chair of a 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 business days:

- (a) acknowledge receipt of the complaint in writing;

(b) arrange to discuss the matter with the student or indicate to the student 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 or inaction 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:

i. engaging with a local level complaint resolution process;

ii. reviewing a decision within a local level review process;

iii. local level mediation, if appropriate; or

iv. escalating the matter to the Academic Registrar or delegate, which may be a suitable course of action if resolution under i, ii or iii above is unlikely to be possible or if local level complaint or review processes have been exhausted; and

(g) notify the student of their right to be accompanied by a support person at any meetings or discussions during the attempt at resolution.

Complaints

5.6. Students who are not satisfied with the outcome of the processes under section 5.5 may, within five business days of receiving advice of the outcome:

(a) escalate the complaint or raise a grievance, which may result in mediation, a review of an outcome or decision, 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 under section 5.6 are strongly encouraged to seek the continued assistance of the [Student Union Advocacy Service](#). Additional support services are also available at the [University's Student Services Directory](#).

5.8. The Academic Registrar or delegate 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 or delegate will advise students of their right to raise a grievance, or to have their escalated complaint considered as a grievance, if:

(a) the escalated complaint is not able to be resolved with the other parties; and

(b) mediation is deemed not to be an appropriate course of action, or if the agreement of all parties is not forthcoming; and

(c) the matter includes allegations against a student or staff member, which may result in disciplinary action.

Grievances

5.10. A student may raise a grievance where:

(a) an escalated complaint is not able to be resolved; or

(b) the matter includes allegations of misconduct where disciplinary action against a student or staff member may be an outcome of the investigation. In such cases the grievance will be managed in line with section 4.4 and 4.5.

5.11. Grievances are matters that may be considered by an independent investigator or a case manager.

Investigations

5.12. The University, case manager or investigator must:

(a) within five business days, acknowledge in writing the receipt of an escalated complaint or grievance;

(b) undertake a safety, security, wellbeing and risk assessment and recommend any immediate action that needs to be taken before the escalated complaint or grievance is investigated;

(c) within 10 business days of the acknowledgement in section 5.12(a), advise the complainant and the Academic Registrar or delegate in writing of proposed next steps, including the nature of any investigation process, and indicate when a resolution of the matter might be expected;

(d) review the escalated complaint or grievance, including hearing from all parties who wish to partake in the process, and identify ways that the matter might potentially be resolved;

(e) provide the Academic Registrar or delegate with a report of any independent investigation for review prior to the release of the report;

(f) within 15 business days of the acknowledgement in section 5.12(a), provide the student with the outcome of the escalated complaint or grievance, including details of the resolution process or why a resolution could not be reached; and

(g) notify the student and the Academic Registrar or delegate if they conclude that the escalated complaint or grievance is frivolous, or if no grounds could be adduced to support it.

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

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

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

5.15. On consideration of the details of the escalated complaint or grievance, the review of a decision or the outcome of an investigation, the Academic Registrar or delegate may:

- (a) recommend reconsideration of the original decision;
- (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 or delegate may contact a student who demonstrates unreasonable complainant conduct in relation to a particular matter, and the person who is the subject of the escalated complaints or grievances, to ascertain that there is prima facie evidence to support the complaint or grievance before initiating a review or an investigation.

Right to withdraw

5.17. Students may withdraw new complaints, escalated 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 the University community.

Record keeping

5.18. Student complaints and grievances must be registered on a University-wide register, maintained by the Academic Registrar or delegate, and must include data collected on student complaints and grievances submitted at faculties, Stop1, graduate schools and other key service delivery points.

5.19. Case managers, investigators and mediators participating in the student complaints and grievances process must keep appropriate, confidential records of all discussions and outcomes in accordance with the University's [Records Retention and Disposals Authority](#).

5.20. Case managers and investigators must report findings and outcomes to the Academic Registrar, who must ensure that appropriate, confidential records are kept in accordance with the University's [Records Retention and Disposals Authority](#).

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

5.22. The Academic Registrar or delegate must analyse data relating to complaints and grievances to identify trends.

5.23. The Academic Registrar or delegate must report on student complaints and grievances, including quantitative and qualitative data and analysis undertaken under section 5.22.

Appeals

5.24. Students may appeal the outcome of the complaints and grievances process in accordance with the [Vice-Chancellor Regulation](#) and 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 Adviser, Student Complaints and Grievances to investigate | 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 Adviser, 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 Adviser, 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 Adviser, Student | In accordance with this policy. Authorisation to act must be made in writing. |

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| | Complaints and Grievances to act | |
| Identify student misconduct in complaints and triage to student discipline process | Academic Registrar who authorises the Principal Adviser, 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 Adviser, 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 Adviser, 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.

Escalated complaint means an unresolved complaint that has exhausted complaint and review processes at the local level and has been escalated to the Academic Registrar for consideration.

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

Local level means the area, location, administrative unit or academic division where the complaint was first made.

Student in this policy has the meaning given to it in Part 1 of the [Vice-Chancellor Regulation](#).

Support person means any individual who is providing support and assistance to a student who is making a complaint.

Unreasonable complainant conduct means any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for the University, its employees, other service users and complainants or the complainant himself/herself. Unreasonable complainant conduct includes unreasonable persistence, unreasonable demands, unreasonable lack of cooperation, unreasonable arguments and unreasonable behaviours. Unreasonable complainant conduct does not preclude there being a valid issue.

POLICY APPROVER

Provost

POLICY STEWARD

Principal Adviser, Student Grievances and Complaints

REVIEW

This policy is to be reviewed by 19 July 2021.

VERSION HISTORY

| Version | Approved By | Approval Date | Effective Date | Sections Modified |
|---------|----------------|------------------|------------------|--|
| 1 | Academic Board | 30 November 2011 | 21 August 2012 | New version arising from the Policy Simplification Project. Loaded into MPL as Version 1. |
| 2 | Provost | 17 November 2013 | 17 November 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. |

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| | | | | 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 | | | | <i>Version 4 created in error.</i> |
| 5 | Principal Adviser, Student Grievances and Complaints | 2 December 2016 | 2 December 2016 | Editorial amendments to sections 2.3 and 4.4, to include reference to newly published Appropriate Workplace Behaviour Policy (MPF1328). |
| 6 | Principal Adviser, Student Grievances and Complaints | 2 December 2016 | 6 December 2016 | Editorial amendment to section 2.3, correcting title of Student Conduct Policy (MPF1324) |
| 7 | Principal Adviser, 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 Adviser, Student Grievances and Complaints | 6 June 2018 | 6 June 2018 | Editorial change to update the National Code in section 3 Authority |
| 9 | Policy Officer | 20 June 2018 | 20 June 2018 | Fixing minor errors in document information |
| 10 | Principal | 21 June | 22 June | Editorial |

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| | Adviser, Student Grievances and Complaints | 2018 | 2018 | amendments to sections 4.5, 4.8 (b) and (d) and 5.11 to clarify language. |
| 11 | Principal Adviser, Student Grievances and Complaints | 30 July 2018 | 31 July 2018 | Minor editorial amendment to 5.3 to add link to Student Complaints and Grievances |
| 12 | Principal Adviser, Student Grievances and Complaints and Acting Provost | 5 December 2019 | 5 December 2019 | Editorial and minor amendments made to sections 1(a), 1(b), 2.2(b), 4.7(b), 4.12, 5.5-5.23 and 7. |
| 13 | Principal Adviser, Student Grievances and Complaints | 25 June 2020 | 26 June 2020 | Minor amendment - removal of previous clause 4.1. |
| 14 | Provost | 5 August 2020 | 10 August 2020 | Amendment to section 4.19. |
| 15 | Principal Adviser, Student Grievances and Complaints | 19 August 2020 | 31 August 2020 | Amendment to section 4.11. |
| 16 | Provost | 9 December 2020 | 23 December 2020 | Amendments to all sections to reflect changes to the Student Conduct Policy, Academic Board Regulation, Vice Chancellor Regulation and amendments throughout in response to the University's diversity and inclusion policy review. Minor editorial |

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| | | | | amendments made to all sections. |
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