Student Grievances and Complaints Procedure

1. Purpose

The purpose of this Procedure is to ensure all students have clear and accurate information on the steps to submit a Grievance or Complaint. The Procedure also outlines the responsibilities of UNSW College (College) staff, as well as students, at each stage.

A student Grievance or Complaint is an expression of dissatisfaction about the College people, activities, services, actions or processes.

If the matter relates to a request by a student for reconsideration or Appeal of a College decision, students should refer to the Student Appeal Policy and Student Appeal Procedure.

Need help?

UNSW College will inform students about its Grievance and Complaints processes and support services as part of orientation, in the Student Handbook, the Student Grievances and Complaints Policy and this Procedure. Students are encouraged to read about the process before making a Complaint, and if they need guidance, they may make an appointment with Student Services or email student.support@unswcollege.edu.au.

Students may have a Support Person with them before or during the Complaint process.

2. Scope

This Procedure applies to:

(a) College students who are currently enrolled, where the Grievance or Complaint relates to academic matters or non-academic matters;
(b) former College students, where the events the subject of the Grievance or Complaint occurred in the last twelve (12) months and have a connection with the College;
(c) prospective students whose Complaint relates to non-academic matters (including but not limited to the application process, the handling of their personal information, harassment, vilification, discrimination, financial matters, fines and payments or exclusions from events or facilities);
(d) all College staff and affiliates; and
(e) any third-party providing services on the College's behalf to College students, former students or prospective students (including Education Agents).

This Procedure applies regardless of the location of the campus at which the matter has arisen, the person's place of residence or the mode in which they study/intend to study.

This Procedure and the associated Student Grievances and Complaints Policy does not replace or modify procedures or any other responsibilities which may arise under other College policies or procedures, or under statute or any other law.

This Procedure does not apply to:

(a) requests for reconsideration or Appeals of the College's decisions, which are managed under the Student Appeal Policy and Student Appeal Procedure; or

(b) ~~C~~complaints alleging misconduct by other students, which are managed under the Student Misconduct Policy and Student Misconduct Procedure; or~~.~~

(c) complaints alleging gender-based violence, which are managed under the Preventing and Responding to Gender-based Violence Policy.

Where a matter involves both student misconduct and gender-based violence or sexual misconduct, the relevant policies and procedures will operate together. The Student Misconduct Policy and Procedure will govern the misconduct assessment, investigation, decision-making and sanctions. The Preventing and Responding to Gender-based Violence Policy will govern support, safety planning, risk assessment, privacy, confidentiality, information sharing and trauma-informed responses. The College will coordinate the processes to avoid unnecessary duplication or repeated disclosure and to ensure procedural fairness for all parties.

A person may access support, safety measures and reporting options regardless of whether a formal complaint, misconduct investigation or disciplinary process is commenced.

3. How Grievances and Complaints are handled

(a) The escalation process for Grievances and Complaints are outlined below:

i. Stage 1 – Grievance (not mandatory)
ii. Stage 2 – Formal Complaint
iii. Stage 3 – Internal Appeal
iv. Stage 4 – External Appeal[1]

Stages 1 and 2 are explained below, and Stages 3 and 4 are explained in the Student Appeal Policy and Student Appeal Procedure. ~~A flowchart at Appendix A provides a high-level overview of the process.~~

4. Stage 1: Grievance (not mandatory)

(a) Students are encouraged to attempt to resolve concerns or issues informally, where it is safe and appropriate to do so by contacting the person or service area concerned directly, either verbally or in writing. This should be done as soon as possible after the concern or issue arises. However, this stage is not mandatory and persons may decide to commence the Complaints process at stage 2, if they wish to do so.

(b) Students may request that a Student Adviser in Student Services raise the matter with the individual or service area concerned on their behalf. The Student Adviser can help set up a meeting with those involved if required.

[1] A person may request assistance from an external agency or lodge an application with an external agency at any time. Some external agencies may require the person to have lodged an internal Complaint first before they will become involved and they may have strict time limits.

(c) Staff must be open to hearing the student's concerns and actively work towards Resolution, including gathering information from the student and, when required, from other staff members.

(d) If the issue cannot be resolved in this way (or if the student wishes to do so), staff should advise the student that the student may escalate the matter as a Stage 2 - Formal Complaint.

(e) **Indicative Timeframe.** The College will resolve urgent matters as soon as possible. The College will aim to resolve non-urgent matters within ten (10) working days of the Grievance being communicated to the College. If this timing is not possible, the College will advise the student of an alternative timeframe that is appropriate in the circumstances.

5. Stage 2: Formal Complaint

5.1 Making a Complaint

The Complainant may lodge a formal Complaint by completing the Student Complaint Form ~~and emailing it~~or emailing their complaint directly to complaintsandconduct@unswcollege.edu.au. The Complaint must be in writing ~~, using the Student Complaint Form,~~ and contain sufficient information for the Complaint to be investigated.

5.2 Acknowledgement of complaint

Upon successful submission of a Student Complaint Form or complaint email, ~~The Complaint Coordinator will~~ the Complainant should receive an auto acknowledgement of receipt of their complaint. ~~t~~The Complainant will be contacted ~~t~~ within five (5) working days by the Conduct and Integrity team, who will ~~and~~ advise ~~whether~~if:

(a) ~~the matter will be dealt with as a formal Complaint in accordance with this Procedure~~ any immediate clarification or further information is required for their complaint to be accepted for investigation;

or

(b) the student should use a different policy or procedure (such as the Student Misconduct Policy, if the complaint is about another student's behaviour, or the Preventing and Responding to Gender-based Violence Policy, if the complaint is for alleged gender-based violence, sexual assault, sexual harassment or sexual misconduct. Support and safety measures may be provided regardless of the pathway selected.).

5.3 Case allocation

Where the College determines the matter will be dealt with as a formal complaint, the ~~Complaint Coordinator~~Conduct & Integrity Administrator will forward the Complaint to a ~~Complaint~~Conduct & Integrity Case ~~Manager~~Officer within five (5) working days of the Complaint being received. The ~~Complaint Coordinator~~Conduct & Integrity Administrator will also record the Complaint in the Complaints ~~and Appeals~~ Register.

If ~~T~~the appointed ~~Complaint~~ Conduct & Integrity Case ~~Manager~~ Officer ~~must disclose any conflicts of interest (including if they have~~has~~-~~ been involved earlier in the process e.g. Stage 1 – Grievance~~), in which case, the Complaint Coordinator will appoint~~ another ~~Complaint~~ Case ~~Manager~~Officer will be appointed.

5.4 Assessment and investigation

The ~~Complaint~~ Conduct & Integrity Case ~~Manager~~Officer will assess whether the matter falls within this Procedure or must be referred under another policy. The Officer must consider immediate safety and wellbeing risks, conflicts of interest, privacy and confidentiality, and whether coordinated support or risk management is required. The Officer:~~:~~

(a) will make an initial assessment to determine whether there is sufficient and clear information to support the Complaint application;

~~(b) can appoint an Investigating Officer to carry out some or all of the Complaint Case Manager's functions (for example, to conduct interviews with the Complainant or people mentioned in the Complaint, or obtain the benefits of the Investigating Officer's subject matter expertise);~~

~~(c)~~(b) will provide both the Complainant and the person, or people, the subject of the Complaint (the Respondent(s)) with the opportunity to present their version of events (including through interviews or written submissions);

~~(d)~~(c) will examine relevant information and Policy and Procedures;

~~(e)~~(d) may request further information from the Complainant and/or Respondent;

~~(f)~~(e) may request that the Complainant and/or Respondent attend meetings with him/herself ~~or the investigating team~~ (students may also bring a Support Person); and

~~(g)~~(f) may seek clarification or advice internally or externally.

The Complainant and Respondent may be accompanied and assisted by a Support Person throughout the Complaint management process.

5.5 Determination

At the conclusion of the investigation, the ~~Complaint~~Conduct & Integrity Case ~~Manager~~ Officer will make a decision and communicate that decision in writing to the Complainant, containing reasons for the decision, recommended actions (if any) and avenues for Appeal. The ~~Complaints~~Conduct & Integrity Case ~~Manager~~ Officer will endeavour to do so within twenty (20) working days of the ~~Complaint Coordinator receiving~~receipt of the complete Complaint. Outcomes could include, for example, the College:

(a) correcting an error in relation to the student or the student's record;

(b) making a decision that may or may not be in the student's favour;

(c) rejecting the Complaint on the basis that it is without substance, was not genuinely made, or was made with the intent to harass;

(d) issuing an apology to the Complainant.

The above list is not exhaustive and the College may make other findings and recommend other actions as appropriate in the circumstances.

The ~~Complaint Coordinator~~Conduct & Integrity Administrator will record the Complaint determination in the Complaints ~~and Appeals~~ Register.

6. Stage 3: Internal Appeal

If the Complainant is not satisfied their compl~~ai~~aint has been resolved following stage 2, they may Appeal the decision resulting from the complaint investigation by submitting a ~~Request to Appeal~~Stage 3 Appeal Form within twenty ~~eight (28)~~(20) working days following receipt of the decision/outcome of the Complaint – see Student Appeal Policy and Student Appeal Procedure. Internal reviews must be undertaken by staff who are senior to those involved at stages 1 and 2. Any staff involved in making decisions at stages 1 or 2 cannot be decision makers in a stage 3 internal Appeal.

7. Indicative timeframe

The College aims to meet the following timeframes in determining formal Complaints:

(a) acknowledge receipt of a Complaint and commence investigation, reject ineligible Complaints or refer the matter to another policy or process - within five (5) working days of the Complaint being received;

(b) complete investigation and issue a decision - within twenty (20) working days of the Complaint being received;

(c) the ~~Complaint Coordinator~~Conduct & Integrity Administrator will update the Complainant on the progress of the Complaint and inform the Complainant of any significant delays and variations to the timeframes.

8. Withdrawal of Complaint

At any stage a student may withdraw a Complaint. Where the Stage 2 formal Complaint process is underway, any withdrawal must be in writing (e.g., email). In most instances the College will then deem the Complaint resolved. However, in certain circumstances the College may deem the Complaint serious enough for an internal investigation to continue, or for referral to an external agency.

9. Record keeping

(a) The College will record Complaints and their outcomes in the Complaints ~~and Appeals~~ Register.

(b) Notes and documentation must be kept at all stages of a Complaint, including records of meetings, discussions and any actions proposed or taken.

(c) All records and notes produced and documents considered in handling a Complaint must be stored in a confidential College file.

(d) The ~~Complaint Coordinator~~Conduct & Integrity Administrator, ~~Complaint~~ Conduct & Integrity Case ~~Manager~~ Officer and relevant Appeals Committee Secretary are responsible for recording and tracking all centrally investigated Complaints on the College database.

(e) Records of Complaints will be kept for a period of at least five (5) years. Parties to a Complaint will be allowed appropriate access to the relevant records, upon request.

10. Confidentiality

(a) All records must be treated with an appropriate level of confidentiality and security in line with applicable College policies and procedures, including the Privacy Policy and Data Classification Standard.

(b) All parties involved in a Complaint, including the Complainant, Respondent(s) and College staff must maintain confidentiality about the Complaint.

(c) Information and records about a Complaint will generally only be divulged to College staff who are directly involved in the process and to whom disclosure is necessary, for example, to allow a proper investigation of the matter or so an appeal committee has all relevant information before it. However, the College may disclose records about a Complaint to relevant third parties and professional service providers such as lawyers and insurers and, in limited cases, to others including people outside the College, where this disclosure is permitted by relevant privacy laws. In addition, as noted in section 9, parties to the Complaint will be allowed appropriate access to the relevant records upon request. An overview of these circumstances is set out in the College Privacy Policy. College staff should contact the Privacy Officer in the Legal and Compliance team for advice if required.

11. Internal reporting and Continuous Improvement

(a) The Legal Counsel - Regulatory & Compliance will provide recommendations for process improvement or policy changes as required and forward to the Responsible Officer for consideration.

(b) An annual report on trends and emerging issues will be provided to the UNSW College Academic Board and other committees as required.

12. Review and consultation

The procedure will be reviewed periodically (at least every 3 years), in consultation with students and staff, including those with lived experience of, or being directly affected by, discrimination, harassment, victimisation or violence, to ensure that these processes are accessible, easy to navigate, promote cultural safety, and administrative barriers are minimised.

~~12.~~13. Roles and responsibilities

Role	Responsibility
Student Services Staff	Assist students by providing information, responding to issues and setting up meetings to discuss with staff.
~~Complaint Coordinator~~ Conduct & Integrity Administrator	Monitors and acknowledges (or refers elsewhere) all Grievances and Complaints, and ensures all relevant information is provided by the Complainant. ~~Provides Formal Complaints to the Complaints Case Manager~~ Creates case files and updates the Complaints Register.~~.~~
~~Complaints~~Conduct & Integrity Case ~~Manager~~Officer	Manages the process of formal Complaints to ensure timelines are met, including updating the Complaints ~~and Appeals~~ Register. ~~The role is usually allocated by the Complaint Coordinator upon receipt of a Complaint to the relevant area in the College but may also be nominated by other senior staff at the College as appropriate.~~
All UNSW College staff	Provide information, support and guidance to students who would like to make a Complaint and direct students to Student Services or Student Support for assistance.

~~13.~~14. Definitions

Definitions and Acronyms	
Appeal	A request for reconsideration of a decision by an officer or body of the College
Appellant	A person who makes an Appeal
Complainant	A person who makes a Complaint
Complaint	A formal expression of dissatisfaction about the College or its people, activities, services, actions or processes. The dissatisfaction could relate to action by the College or others engaged by the College in its operations, which is either academic or non-academic in nature
Conflict of interest	Interest, involvement or information that may influence or be reasonably perceived to influence a person's ability to make objective recommendations or decisions in investigating or determining a Complaint, or serving on an appeal committee
Education Agent	A person or organisation (in or outside Australia) who recruits overseas students and refers them to education providers. Education agents may provide education counselling to overseas students as well as marketing and promotional services for education providers. An education agent is not an institution with whom an Australian provider has an agreement for the provision of education or teaching services.
Grievance	A grievance is the first stage in the Complaints Resolution process, with the College working with students (if they wish) to initially resolve grievances informally, with the person or service area directly concerned.

Procedural Fairness	~~Also known as 'natural justice', procedural fairness is a~~A principle of law that is concerned with the procedures used by a decision-maker, rather than the actual outcome reached. Key requirements of procedural fairness include: (a) ensuring Respondents are provided with all necessary details of the allegations that have been made against them; (b) ensuring Respondents are given a proper opportunity to respond to the allegations in an appropriate way before a decision is made (including as to any mitigating circumstances); (c) that persons involved in deciding an outcome do not have any bias or Conflict of Interest. (d) That a decision is based only on relevant evidence
Resolution	A formal decision or agreement on the Complaint or Appeal. Resolutions do not necessarily require the complete satisfaction of all parties, but rather an agreement that the issue has been reasonably investigated and/or resolved, or has provided a reasonable outcome given the available evidence
Respondent	The person(s) subject to a Complaint or Appeal
Student Misconduct	A failure by a student to meet one or more of the responsibilities articulated in the College's Student Code of Conduct
Support Person	A person nominated by a Complainant, Appellant or Respondent to provide assistance or support to them during the Grievances, Complaints and/or Appeals processes.
Gender-based violence	Any form of physical or non-physical violence, harassment, abuse or threats, based on gender, that results in, or is likely to result in, harm, coercion, control, fear or deprivation of liberty or autonomy. It includes sexual assault, sexual harassment, family violence, stalking, technology-facilitated abuse, coercive control and other conduct identified in the Preventing and Responding to Gender-based Violence Policy.
Disclosure	Sharing information to seek support, advice, or assistance. A disclosure does not necessarily mean that the person wants the College to investigate or take formal action.

Related Policy Documents and Supporting Documents	
Legislation	• Education Services for Overseas Student Act (ESOS) 2000 (Cth) • National Code of Practice for providers of Education and Training to Overseas Students 2018 • Higher Education Provider Guidelines 2023 • Higher Education Support Act 2003 (Cth) • Higher Education Standard Framework (Threshold Standards) 2021 • Privacy Act 1988 (Cth)

Policy	• Academic Progression and Exclusion Policy • Admissions Policy • Attendance Monitoring Policy • Enrolment Policy • Equity Diversity and Inclusion Policy • Preventing and Responding to Gender-based Violence Policy. • • Privacy Policy • Student Appeal Policy • Student Code of Conduct • Student Fees Policy • Student Grievances and Complaints Policy • Student Refund Policy • Student Misconduct Policy
Procedures	• Academic Progression and Exclusion Procedure • Admissions Procedure • Student Appeal Procedure • Student Fees Procedure • Student Misconduct Procedure • Student Refund Procedure • Students with a Disability Procedure
Local Protocols	• Complaints and Appeals Register • Student Complaint Form • StudentStage 3 Appeal Form

14.15. Procedure Governance

Student Grievances and Complaints Procedure	
Category/Business Group	Students Experience
Published Externally (Yes/No)	Yes
Approver	Executive Director, Students
Responsible Officer	Head of Student Success Experience
Contact Officer	Conduct and Integrity Case Manager Manager, Conduct & Integrity
Effective Date	[Effective Date Display]
Next Review Date	[Next Review Date Display]
Version	2.03.0

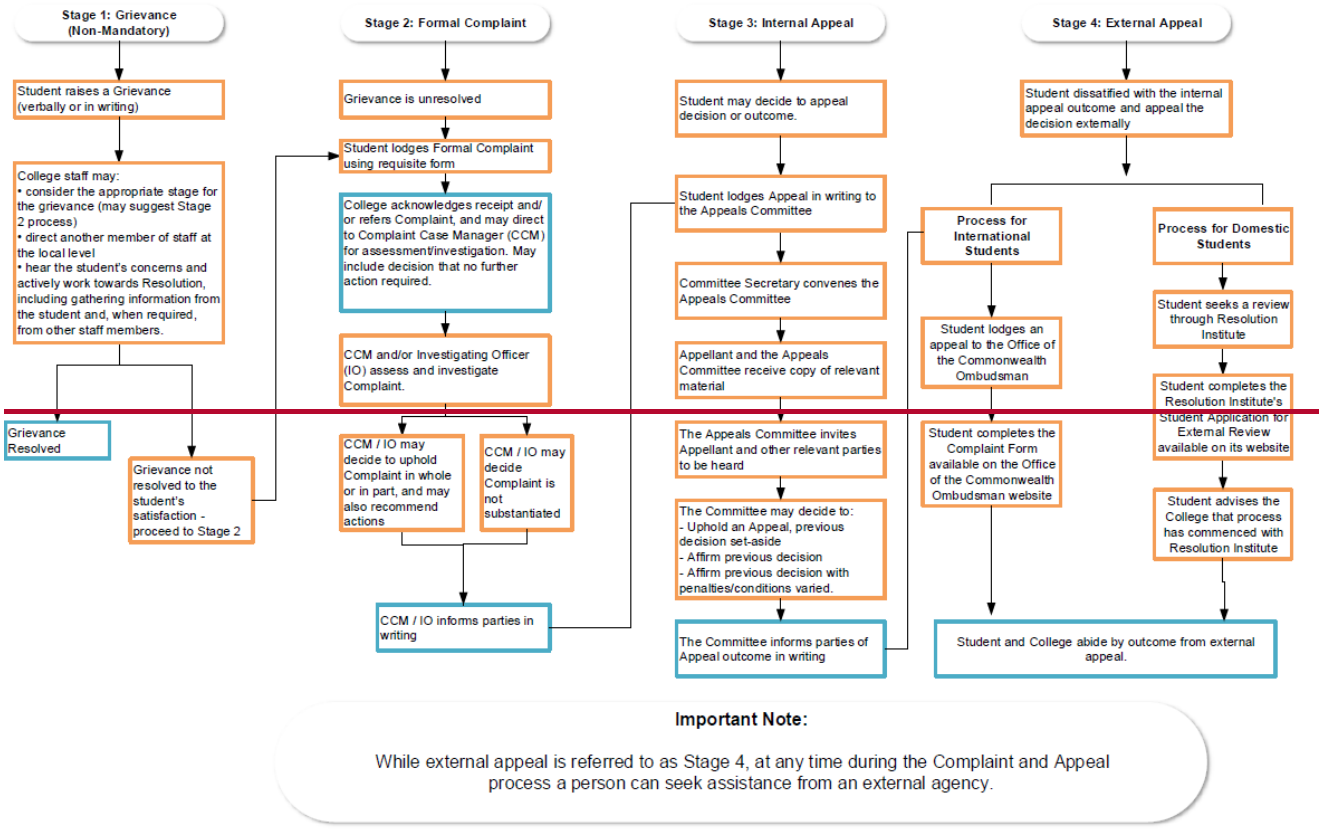
UNSW College

Revision History

Version	Approved by	Approval date	Effective date	Sections modified
3.0				Updated to align with amendments to the Higher Education Standards Framework (Threshold Standards) 2021 and the National Higher Education Code to Prevent and Respond to Gender-based Violence, including changes to complaint handling processes, procedural fairness requirements, support and safety measures, investigation processes, internal appeals and related terminology.
2.0	Chief of Staff – Mai-Lynda Allen	15/08/2023	17/08/2023	Changes made to accommodate feedback received from Department of Education, incl. changes to Sections 1 – 6, 9 – 14.
1	Executive Director Student Life and Academic Services – Jacqueline Clements	15 August 2023	17 August 2023	N/A

Please visit our website to ensure that you have the latest version of this Procedure. Policies and procedures are available at: unswcollege.edu.au/about/policies

~~Appendix A – Student Complaints and Appeals Procedure summary diagram~~



~~Note: appeals are explained in the~~ ~~Student Appeal Policy~~ ~~and~~ ~~Student Appeal Procedure~~