

Online University English Entry Course - Student Grievances and Complaints Policy

1 Purpose

- (a) This Policy details the principles for the management and Resolution of Online University English Entry Course (OUEEC) student concerns or dissatisfaction about their experience at UNSW College (College).
- (b) A student Grievance or Complaint is an expression of dissatisfaction about College people, activities, services, actions or processes that is contrary to the College Student Code of Conduct. The dissatisfaction could relate to action by the College or others engaged by the College in its operations.
- (c) A student Grievance or Complaint is distinct from a student request for reconsideration or Appeal of a College decision. OUEEC student requests for reconsideration or Appeal of a College decision are managed in accordance with the [OUEEC Student Appeal Policy](#).

1.1 Distinction between Grievance and Complaint

- (a) 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.
- (b) If the Grievance remains unresolved or the student does not wish to resolve the Grievance informally, the student may raise a formal Complaint.

2 Scope

This Policy applies to:

- (a) all OUEEC students who are currently enrolled, where the Grievance or Complaint relates to academic matters or non-academic matters;
- (b) all former OUEEC 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) all Prospective Students seeking to enrol in the OUEEC, whose Grievance or 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); and
- (d) all College staff and affiliates; and
- (e) any third party providing services on the College's behalf to OUEEC students, former OUEEC students or prospective OUEEC students (including Education Agents).

This 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 Policy does not apply to:

- (a) requests for reconsideration or Appeals of the College's decisions relating to OUEEC, which are managed under the [OUEEC Student Appeal Policy](#); or
- (b) Complaints alleging misconduct by other OUEEC students, which are managed under the [OUEEC Student Misconduct Policy](#).

3 Policy Statement

The College is committed to providing a Grievance and Complaint process for students to express concerns and resolve issues in a supportive environment. The College will monitor the incidence of Grievances and Complaints and seek to continuously improve processes, staff training and student support to better manage the scenarios where Grievances and Complaints typically arise.

4 Policy Principles

The following principles apply to Grievance and Complaint processes at the College:

- (a) In responding to Grievances or Complaints, the College will apply the principles of Procedural Fairness.
- (b) Assessment of Grievances and Complaints will be conducted in a professional, fair and transparent manner.
- (c) Complainants should ensure they provide clear and accurate information so Grievances and Complaints can be resolved as quickly as possible.
- (d) A student making a Complaint has the right to a fair and thorough investigation.
- (e) Students may be accompanied by a Support Person during the process. The College will provide information about services which can provide independent professional advice and advocacy.
- (f) The College will ensure the Complainant has an opportunity to formally present his or her case at minimal or no cost and be accompanied and assisted by a Support Person at any relevant meetings.
- (g) The Grievances and Complaints process does not restrict a person's right to pursue other legal remedies or access independent professional advice.
- (h) Staff will use best endeavours to respond to Grievances and Complaints within the timeframes provided in this policy.
- (i) For Complaints, students will receive a written statement of the outcome, including the reasons for the decision, recommended actions (if any) and information regarding avenues for Appeal of the decision.
- (j) Staff, students and others who are involved in the process must treat Grievances and Complaints confidentially and respect the privacy of all people concerned.
- (k) If, during any internal Appeal or external Appeal process, a decision is made to uphold the student Complaint, which supports the student, the College will



immediately implement the decision and advise the student of the outcome. See [OUEEC Student Appeal Policy](#).

- (l) The College will abide by, and immediately implement, the decisions, recommendations and/or take corrective action required as an outcome of internal Appeal or external Appeal.
- (m) The College will not, and will ensure that others do not, victimise or discriminate against any Complainant, Appellant or Respondent.

5 Grievances and Complaints Process:

The escalation processes for Grievances and Complaints are outlined below:

- (a) Stage 1 – Grievance (not mandatory)
- (b) Stage 2 – Formal Complaint
- (c) Stage 3 – Internal Appeal process
- (d) Stage 4 – External Appeal process¹

Stages 1 and 2 are explained below, and Stages 3 and 4 are explained in the [OUEEC Student Appeal Policy](#).

6 Stage 1: Grievance (not mandatory)

- (a) Students are encouraged to attempt to resolve concerns or issues informally, 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.
- (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.

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.



7 Stage 2: Formal Complaint

7.1 Making a Complaint

The Complainant may lodge a formal Complaint by completing the Student Complaint Form and emailing it 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.

7.2 Acknowledgement of complaint

The Complaint Coordinator will acknowledge receipt of the Complaint within five (5) working days and advise whether:

- (a) the matter will be dealt with as a formal Complaint in accordance with this Policy;
- or
- (b) the student should use a different Policy.

7.3 Case allocation

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

The appointed Complaint Case Manager must disclose any conflicts of interest (including if they have been involved earlier in the process e.g. Stage 1 – Grievance), in which case the Complaint Coordinator will appoint another Complaint Case Manager.

7.4 Assessment and investigation

The Complaint Case Manager:

- (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) 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) will examine relevant information and Policy and Procedures;
- (e) may request further information from the Complainant and/or Respondent;
- (f) 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) 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.

7.5 Determination

At the conclusion of the investigation, the Complaint Case Manager 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 Case Manager will endeavour to do so within twenty (20) working days of the Complaint Coordinator receiving the 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 will record the Complaint determination in the Complaints and Appeals Register.

8 Stage 3: Internal Appeal

- (a) If the Complainant is not satisfied with the outcome following Stage 2, they may Appeal the decision by submitting a [Request to Appeal Form](#) within twenty-eight (28) days following receipt of the Stage 2 outcome.
- (b) Detail of this process is embedded within the [OUEEC Student Appeal Policy](#).

9 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.

10 Management of Complaints relating to Sexual Assault, Sexual Harassment and Student Misconduct

Where the College considers that a Complaint raised relates to:

- (a) Sexual Assault or Sexual Harassment, the College will refer the matter to be managed in accordance with the College's [Sexual Misconduct Policy](#);
- (b) Student Misconduct, the College will refer the matter to be managed in accordance with the [OUEEC Student Misconduct Policy](#).

11 Declining to hear Grievances or Complaints

All people involved in the process are expected to act in good faith. The College will consider all Grievances and Complaints seriously, though it has discretion to refuse to conduct a Complaints process, or discontinue one, where the College has determined the Complaint or Grievance to be:

- (a) unreasonable, not made in good faith or made with the intent to cause harm;
- (b) made without the intent of resolving a genuine issue; or
- (c) not capable of proper investigation (for example, because of a lack of detail or because the events occurred too long ago – see Scope for time limits).

The College may also refuse to conduct, or to discontinue, a Complaints process where the Complainant fails to treat those involved in the process with courtesy or respect or engages in conduct that poses a risk of harm to others.

The College may refer Complaints to other organisations or agencies where they fall outside its responsibilities or control, or where it is lawfully required to do so. The College will inform the Complainant of any referral.

12 Anonymous Complaints

The College respects the wishes of Complainants to remain anonymous. However, the College's ability to investigate an anonymous Complaint may be limited.

13 Records

- (a) The College will maintain a record of all Complaints on its complaints management system for a period of at least five (5) years. Records may also be kept of local level Grievances.
- (b) Notes and documentation must be kept at all stages of a Complaint including records of meetings, discussions and any actions proposed or taken. All records will be treated as confidential (see Section 14 below).
- (c) Parties to the Complaint will be allowed appropriate access to the relevant records, upon request.
- (d) The content of the complaints management system will comply with all relevant laws regarding records management, including the State Records Act 1998 (NSW).

14 Privacy and Confidentiality

14.1 Confidentiality

Information and records collected during the Grievances and Complaints process will be kept confidential and handled in accordance with the College's Privacy Policy. Access to information will be restricted to staff of the College or relevant third parties who are directly involved in the process or for whom access, and use, is necessary to enable proper investigation and Resolution of the matter. In addition, as noted in Section 13,



parties to the Complaint will be allowed appropriate access to the relevant records upon request.

14.2 Disclosure to third parties

The College will not disclose a Complainant’s, Respondent’s or Appellant’s personal information to third parties during or after the Grievances, Complaints and/or Appeals processes, except in circumstances where the Complainant has given their consent, or the College is required or authorised to do so by law. In certain circumstances, the College will be under a legal obligation to report information provided by a person, or in connection with a Complaint or Appeal, to the police, a government department or other public body.

15 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 College Academic Board and other committees as required.

16 Roles, responsibilities and delegations

This Policy operates within the context of, and subject to, relevant Australian State and Commonwealth legislation

Role	Responsibility
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.
Complaints Case Manager	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.
Complaint Coordinator	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.
Legal Counsel - Regulatory & Compliance	Provide recommendations for process improvement or policy changes as required and forward to the Responsible Officer for consideration.
Student Services Staff	Assist students by providing information, responding to issues and setting up meetings to discuss with staff.



17 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.
OUEEC / Online University English Entry Course	The UNSW College program that builds academic and English language skills with all content, communication and distribution of learning resources delivered electronically.
Procedural Fairness	<p>Procedural Fairness is a principle of law that is concerned with the procedures used by a decision-maker, rather than the actual outcome reached.</p> <p>Key requirements of Procedural Fairness include:</p> <ul style="list-style-type: none"> (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
Prospective Student	A person who intends to become or has taken any steps towards enrolling in the OUEEC



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.

Related Policy Documents and Supporting Documents	
Policy	<ul style="list-style-type: none"> • OUEEC Student Appeal Policy • OUEEC Student Misconduct Policy • College Privacy Policy • College Sexual Misconduct Policy
Forms / Guidelines	<ul style="list-style-type: none"> • Request to Appeal Form • Student Complaint Form

18 Policy Governance

OUEEC – Student Grievances and Complaints Policy	
Category/Business Group	Legal and Compliance
Published Externally (Yes/No)	Yes
Approver	Academic Board
Responsible Officer	Chief of Staff
Contact Officer	Head of Legal, Risk & Compliance
Effective Date	23 May 2024
Next Review Date	23 May 2027
Version	1.0



Revision History

Version	Approved by	Approval date	Effective date	Sections modified
1	Academic Board	23 May 2024	23 May 2024	N/A

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