

UQ College (UQC)

# Policy and Procedure

<b>Reference:</b>	Student
<b>Title:</b>	Student Complaints and Appeals Policy and Procedure
<b>Custodian:</b>	CEO
<b>Reviewer:</b>	Senior Manager Corporate Services
<b>Date Approved:</b>	15 June 2022
<b>Review Date:</b>	15 June 2023
<b>Audience:</b>	All UQ College Staff All UQ College Students
<b>Associated Policies:</b>	<a href="#">Education Services for Overseas Students (ESOS) Act 2000</a> <a href="#">National Code of Practice 2018</a> <a href="#">UQ PPL 1.60.02 Privacy Management</a> <a href="#">UQ PPL 6.40.01 Information Management Policy</a> <a href="#">UQC Student Integrity and Misconduct Policy and Procedures</a>
<b>Version:</b>	3.0

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## Purpose and Scope

UQ College is committed to providing an effective student complaints and appeals management system based on best practice. The policy and procedures reflect the expectations and responsibilities of both UQC and its students when dealing with complaints or appeals.

This policy applies to all:

- i. All students enrolled in a program of study at UQC
- ii. Applicants seeking to be admitted to study at UQC
- iii. UQC staff involved in academic and student administration

### Important note

This written agreement, and the right to make complaints and seek appeals of decisions and action under various processes, does not affect the rights of the student to take action under the *Australian Consumer Law* if the *Australian Consumer Law* applies.

## Policy Statement

The following principles guide the UQC Student Complaints and Appeals process:

- the resolution of student complaints and appeals will be handled informally where possible and appropriate;
- student complaints and appeals will be addressed as close as possible to the source of dissatisfaction;
- complaints and appeals will be resolved efficiently, with due regard to legislative requirements, and confidentiality as set out in the University's Privacy Management Policy (refer to the cover page for a link to the policy);
- complaints and appeals will be resolved at no direct cost to a student;
- a student's enrolment will be maintained while the complaint and appeals process is ongoing<sup>1</sup>. However, this does not entitle a student to enrol in a course for which they are not eligible;
- a student will not be disadvantaged as a result of making a complaint, nor will they suffer any reprisal as a result of lodging an appeal;
- a student who lodges a complaint or appeal that is frivolous and/or vexatious, will have their complaint or appeal dismissed or discontinued. Such conduct may be considered as misconduct and investigated under the UQC Student Integrity and Misconduct Policy;
- the Student Complaints and Appeal process will promote the principles of procedural fairness and natural justice;
- a student attending a meeting in regard to their complaint or appeal may be accompanied by a support person who is not a legal representative or a currently practicing solicitor or barrister. If an interpreter is required, UQC will source an appropriate person to assist.
- complaints and appeals procedures and the support available to students will be widely publicised to facilitate access to the complaints and appeals process;
- a student is entitled to appeal a decision to the next most senior decision maker, providing they can either supply additional information or a reason why the original decision did not comply with the UQC policies, rules, or procedures. (It is not sufficient simply to disagree with the decision.);
- a student may choose to have their complaint or appeal reviewed by an external complaint handling process.

<sup>1</sup> For Student Visa holders, it is a requirement of the Student Visa that at all times during the complaints and appeals process the student must continue to attend classes, unless UQC has issued written approval to be absent from classes on welfare grounds.

## Definitions

**Appeal** - an application made by a student to have a decision reviewed where that decision relates to a matter affecting his or her studies or life as a student.

**Decision-maker** – the relevant UQC staff member responsible for handling a complaint/appeal (refer to the [Reference List](#)). This may be a Program Coordinator, Manager, Senior Manager, or the UQC Chief Executive Officer (CEO).

**Grievance** – a problem or concern raised by a student about something affecting his or her studies or life as a student, for which the student is seeking resolution. The term complaint is often used interchangeably with grievance.

**Procedural fairness** - the processes by which an outcome is reached and not the outcome itself.

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## 1. Support for students

- There are a number of free advocacy and support services available to assist students in the complaints and appeals process.
- Representatives of UQ Student Union (UQU) may take an advocacy role in the complaints and appeals resolution process. Students can consult UQU, which can help the student to present their complaint or appeal. To book an appointment with a UQU representative, students should contact the Student Help on Campus (SHOC) centre.
- The University's Student Services staff do not advocate on behalf of students; however, Student Services staff can provide students with documentation relevant to circumstances that may be taken into account by UQC in considering a complaint or appeal (for example, evidence of attendance at a personal counselling appointment).
- In cases of alleged discrimination or harassment (including sexual harassment), students may see the UQC Discrimination and Harassment Contact Officer (DHCO). DHCOs provide information on UQ policy (including student grievance, prevention of sexual harassment and discrimination and harassment). DHCOs are not able to advocate on a student's behalf or become in any way involved in resolving a grievance.
- Where students initiate meetings to resolve complaints or appeals with UQC staff or are invited to attend meetings for this purpose, students may request the presence of a support person to attend with them, in addition or in preference to a representative of the UQU. The role played by someone in the support capacity is as a neutral witness to the discussion. The support person must not be a legal representative or a currently practicing solicitor or barrister.

### Important note

Making a complaint or appeal and the process that follows can be an anxious time for a student. Generally, the more information on the process the student has, the better placed they are to manage this anxiety. In acknowledging this, it is advisable that decision-makers encourage students to seek assistance from UQC Student Services or the UQ Student Union.

## 2. Procedures for staff

### Requirement to act fairly, impartially and exercise independent judgment

Staff who investigate or decide complaints or appeals must act fairly and impartially. They should seek advice about the process and their responsibilities under it from an appropriate source (for example, UQC Student Administration), and must exercise independent judgement at all times about the particular complaint or appeal, based on their objective assessment of the evidence.

Staff must conduct themselves in a professional and courteous manner at all times.

### Confidentiality

Staff who investigate or hear a complaint or appeal must treat it as confidential and must only disclose information to others strictly on a “need-to-know” basis.

All information pertaining to complaints/appeals will be securely collected and stored under the provisions of the Information Privacy Act 2009 (Qld).

### Conflicts of interest

Staff involved in a complaint or appeal must disclose actual, perceived or potential conflicts of interest (whether personal, financial or otherwise) as soon as they become aware of them. That staff member’s supervisor (or other person to whom they are accountable under that process) must assess whether that conflict does, or is likely to be seen to, preclude that staff member from acting fairly and impartially. If so, another person must be appointed to replace the staff member as investigator or decision-maker.

Staff who have previously advised or supported a student must not be involved in undertaking an investigation or in a decision-making capacity in relation to that student’s complaint or appeal. Advice may be sought from the UQC CEO.

### Role of decision-maker

Decision-makers must:

- identify key issues;
- keep a record of all transactions;
- maintain key timeframes;
- make decisions; and
- communicate decisions.

In coming to a decision, the decision-maker must follow fair procedures observing natural justice and due process. This requires gathering information relevant to the decision and providing procedural fairness to people whose interests may be adversely affected by any decision.

## 3. Complaints and Appeals Procedure

### Step 1: Informal resolution

Where appropriate, it is expected that a student will attempt to resolve the issue informally, in the first instance, by approaching the person concerned directly. Informal complaints or appeals (including appeals related to assessment results) can be made in person, by phone, or by writing an email or letter to the relevant staff member at UQC.

Informal resolution strategies will vary dependent on the nature of the issue, but may include:

- writing a letter to the individual detailing concerns and requesting the alleged behaviour to stop;
- requesting a relevant staff member to raise the matter with the individual;
- requesting a conciliation or mediation be arranged.

### First point of contact for informal complaints and appeals

Area	First point of contact for informal resolution
<b>Program of study</b>	For complaints or appeals related to their studies or assessment results, students should first contact the Academic Manager responsible for their program of study (refer to the <a href="#">Reference List</a> for contact details).
<b>Administration</b>	For complaints or appeals related to Administration, students should first contact UQC Student Services (refer to the <a href="#">Reference List</a> for contact details).
<b>Fees and Refunds</b>	For complaints or appeals related to fees and refunds, students should first contact UQC Admissions Services (refer to the <a href="#">Reference List</a> for contact details).
<b>Agents and related entities</b>	For complaints regarding a UQ/UQC agent, or any related entity, students should first contact UQC Admissions Services (refer to the <a href="#">Reference List</a> for contact details).

### Step 2: Formal complaint or appeal

#### Submission of a complaint or appeal

If the issue cannot be resolved informally with the relevant person in Step 1, a formal complaint or appeal can be submitted in writing:

- an enrolled UQC student can submit a formal complaint or appeal in the UQC Student Portal.
- students not currently enrolled at UQC, can submit a formal complaint or appeal by completing and emailing a *UQC Have your Say Form* available on the UQC website. The submission must be signed and dated and must have any relevant supporting documentation attached.

In the case of an appeal, a student is expected to explain the reasons for their dissatisfaction with the earlier decision and either supply additional information or a reason why the original decision did not comply with the UQC policies, rules or procedures.

#### Review of a complaint or appeal

UQC will commence assessment of all formal complaints and appeals within 10 working days of receiving the complaint/appeal in writing. UQC will aim to finalise a response as soon as practical. If the College considers that more than 20 working days are required to process and finalise the matter, the student will be informed of the reasons in writing and regularly updated on its progress.

The complaint/appeal will be considered by the relevant decision maker (refer to the [Reference List](#)) who must take the following steps:

## Formal Complaint Procedures

1. Acknowledge receipt of a complaint within 2 working days and provide an explanation to the student of the Complaints and Appeals process and the estimated timeframe for resolution.
2. Assess the detail of the complaint and seek further information from relevant parties where necessary and appropriate.
3. Decide how the complaint will best be resolved and advise the relevant parties of this decision.
4. Provide all parties with an opportunity to present their cases and consider all relevant submissions and evidence
5. If the complaint is not sufficiently supported by appropriate grounds, communicate this decision to the student along with the rationale.
6. Advise the student of further steps in the Complaints and Appeals process that they can follow if their concerns have not been resolved to their satisfaction.

## Formal Appeal Procedures (Including appeals related to misconduct and assessment results)

1. Acknowledge receipt of an appeal within 2 working days and provide an explanation to the student of the appeal resolution process and the estimated timeframe for resolution.
2. Assess the detail of the appeal and seek further information from relevant parties where necessary and appropriate.
3. When considering an appeal, the decision-maker must have regard to whether:
  - i. the student has provided additional, substantive information
  - ii. a fair and proper process for considering the complaint/misconduct/appeal has been followed
  - iii. there was an appropriate level of information on which the decision-maker made the initial decision
  - iv. the decision was fair and reasonable in the circumstances
  - v. the outcome, including any penalties imposed, was fair and reasonable in the circumstances.
4. If the appeal is not sufficiently supported by appropriate grounds, communicate this decision to the student along with the rationale.
5. Advise the student of further steps in the Complaints and Appeals process that they can follow if their concerns have not been resolved to their satisfaction.

## Communicating the decision

In the case of all formal complaints and appeals, the decision made must be communicated to the student in writing, and this advice must contain the reasons for the decision.

The purpose of giving reasons for a decision is to enable the student:

- to understand why the decision was made;
- to decide whether to appeal the decision if they remain dissatisfied; and
- if they appeal the decision, to identify the grounds for the appeal.

A student adversely affected by a decision must be notified of the further steps (below) in the UQC appeal process at the time they are notified of the decision, including the time allowed to apply for the review/appeal and how to apply for the appeal.

## Step 3: Appealing a formal decision

Where a student is not satisfied with the outcome of a formal complaint/appeal process or a decision made in accordance with UQC Policy and Procedures, the student may appeal the outcome to the UQC Chief Executive Officer (CEO) within 20 working days of notification of the earlier decision. An appeal can be submitted in writing:

- an enrolled UQC student can submit an appeal in the UQC Student Portal.
- students not currently enrolled at UQC, can submit a formal complaint or appeal by completing and emailing a *UQC Have your Say Form* available on the UQC website. The submission must be signed and dated and must have any relevant supporting documentation attached.

A student is expected to explain the reasons for their dissatisfaction with the earlier decision and either supply additional information or a reason why the original decision did not comply with the UQC policies, rules or procedures.

The appeal will be considered by the CEO who will decide how the complaint/appeal will best be resolved and advise the relevant parties of this decision.

The CEO will communicate the decision in writing, which will include the reasons for the decision, within 10 working days of receipt of an appeal by UQC.

## Step 4: Appeal to an independent external agency

Where a student is not satisfied with the outcome after completing the UQC Student Complaints and Appeals process, the student may choose to have the decision reviewed by an external agency and submit an appeal to the Queensland Ombudsman within 10 working days of notification of the Appeal decision.

### Queensland Ombudsman

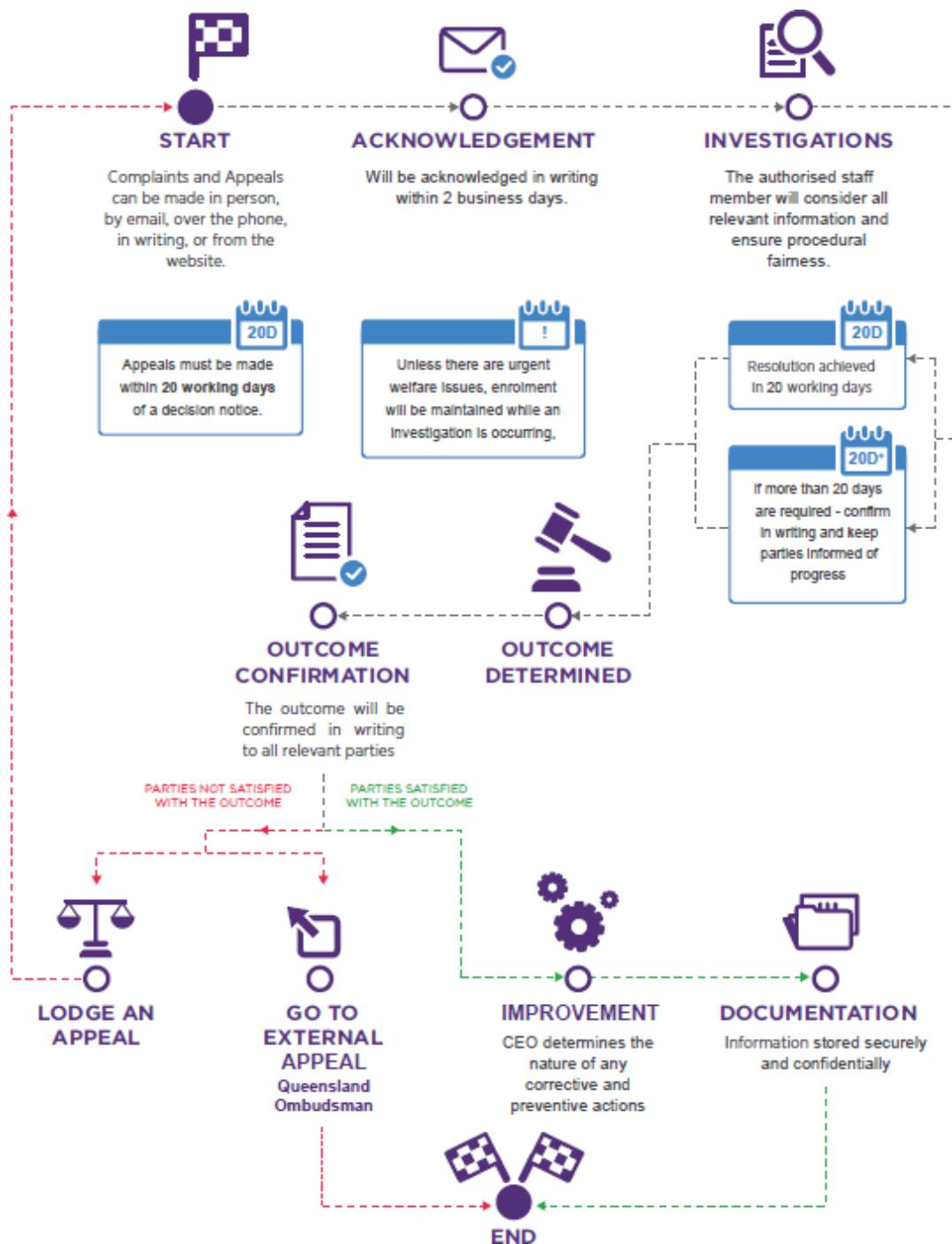
<b>Description</b>	Complaints or appeals if all steps with UQC have been exhausted and student remains dissatisfied with the decision
<b>Contact Details</b>	Level 18, 53 Albert Street, Brisbane QLD 4000 +61 7 3005 7000 1800 068 908 (Toll free outside of Brisbane only) Complaint form: <a href="http://ombudsman.qld.gov.au/about-us/contact-us/enquiries-and-feedback">ombudsman.qld.gov.au/about-us/contact-us/enquiries-and-feedback</a>

The Ombudsman may decline to investigate a complaint if the student has not previously attempted to resolve the problem through the UQC Student Complaints and Appeals process.

## Continuous improvement

- UQC will abide by any decision or corrective/preventative action required as an outcome of either an internal or external appeal.
- At any stage of the Student Complaints and Appeal process, where a decision finds in favour of a student, UQC must take steps to implement the decision or corrective action as soon as practicable after the decision is reached, and to advise the student about the action that will be, or has been, taken.
- Where a finding in relation to a complaint or appeal is in favour of the student, possible remedies might include, but are not limited to:
  - i. offering an apology where appropriate;
  - ii. correcting an error to the extent possible;
  - iii. making a new decision; and
  - iv. undertaking to revise and improve existing processes.

## UQC Student Complaints and Appeals Process Flow Chart



## Reference List

### First point of contact for informal resolution (Step 1)

#### Program of study

If the student has a complaint or wishes to make an appeal related to their studies, they should first contact the Academic Manager responsible for their program of study (refer to the list below for contact details).

#### Administration

If the student has a complaint or wishes to make appeal related to Administration, they should first contact UQC Student Services (refer to the list below for contact details).

#### Enrolment and Fees

If the student has a complaint or wishes to make appeal related to enrolment or fees, they should first contact UQC Admissions Services (refer to the list below for contact details).

#### Agents

If the student has a complaint regarding an agent, they should first contact UQC Admissions Services (refer to the list [below](#) for contact details).

Item	Contact	Contact Details
General English, EAP, EAC	Academic Manager, Academic English and Concurrent Support	<a href="mailto:c.nuttall@uqcollege.uq.edu.au">c.nuttall@uqcollege.uq.edu.au</a>
Bridging English	Academic Manager, Bridging English	<a href="mailto:p.forster@uqcollege.uq.edu.au">p.forster@uqcollege.uq.edu.au</a>
Foundation/Tertiary Preparation Programs	Academic Managers, Foundation Program	<a href="mailto:a.cowan@uqcollege.uq.edu.au">a.cowan@uqcollege.uq.edu.au</a> <a href="mailto:a.moor@uqcollege.uq.edu.au">a.moor@uqcollege.uq.edu.au</a>
VET Program	Academic Manager	<a href="mailto:a.cowan@uqcollege.uq.edu.au">a.cowan@uqcollege.uq.edu.au</a>
General	UQC Student Services	<a href="mailto:support@uqcollege.uq.edu.au">support@uqcollege.uq.edu.au</a>
Fees and Refunds	UQC Admissions Services	<a href="mailto:support@uqcollege.uq.edu.au">support@uqcollege.uq.edu.au</a>
UQ/UQC Agents	UQC Admissions Services	<a href="mailto:support@uqcollege.uq.edu.au">support@uqcollege.uq.edu.au</a>
UQC affiliates and related entities	UQC Admissions Services	<a href="mailto:support@uqcollege.uq.edu.au">support@uqcollege.uq.edu.au</a>

## Point of contact for formal complaint/appeal resolution (Step 2)

Item	Contact	Contact Details
English Language Programs	Senior Academic Manager English Pathways	<a href="mailto:support@uqcollege.uq.edu.au">support@uqcollege.uq.edu.au</a>
Foundation, TPP and VET Programs	Senior Academic Manager Foundation and VET Pathways	<a href="mailto:support@uqcollege.uq.edu.au">support@uqcollege.uq.edu.au</a>
General Administration	Senior Manager Corporate Services	<a href="mailto:support@uqcollege.uq.edu.au">support@uqcollege.uq.edu.au</a>
UQC Agents and related entities	Senior Manager Corporate Services	<a href="mailto:support@uqcollege.uq.edu.au">support@uqcollege.uq.edu.au</a>

## Point of contact for further internal appeal (Step 3)

Item	Contact	Contact Details
All	UQC, Chief Executive Officer	<a href="mailto:support@uqcollege.uq.edu.au">support@uqcollege.uq.edu.au</a>

## Point of contact for external appeal (Step 4)

### Queensland Ombudsman

<b>Description</b>	Complaints and appeals if all steps with UQC have been exhausted and student remains dissatisfied with the decision
<b>Contact Details</b>	Level 18, 53 Albert Street, Brisbane QLD 4000 +61 7 3005 7000 1800 068 908 (Toll free outside of Brisbane only) Complaint form: <a href="http://ombudsman.qld.gov.au/about-us/contact-us/enquiries-and-feedback">ombudsman.qld.gov.au/about-us/contact-us/enquiries-and-feedback</a>

## Document History

Version	Summary of changes	Author	Action date
1.0	Approved Complaints and Grievance Resolution Processes Policy and Procedure	Student Administration	12 April 2017
1.1	Amendments to template; updated title to Student Grievance Resolution Policy and Procedure	Neil Marsh	11 April 2018
2.0	Approved Student Grievance Resolution Process	Neil Marsh	15 May 2018
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3.0	Approved Student Complaints and Appeals Policy and Procedure	Neil Marsh	15 June 2022