



STUDENT GRIEVANCE AND APPEALS POLICY

Version:	Approved by:	Approval Date:	Effective Date:	Next Review:								
10	UOWCA Academic Board	5 December 2018	5 December 2018	5 December 2021								
Responsible Officer:	UOWCA General Manager		Document No:	UOWC-SS-POL-128								
Purpose:	<p>This policy manages and responds to:</p> <ul style="list-style-type: none"> a. Student requests for a review of decisions made by the College; and b. Any allegations involving the conduct of staff of the College. <p>This policy does not replace any other responsibilities which may arise under other College policies or under statute, or any other law.</p>											
Scope:	<table border="1"> <tr> <td>UOWCA</td> <td>✓</td> <td>UOWCHK</td> <td></td> <td>UOWD</td> <td></td> <td>UOWGE</td> <td></td> </tr> </table>	UOWCA	✓	UOWCHK		UOWD		UOWGE				
	UOWCA	✓	UOWCHK		UOWD		UOWGE					
<p>This policy applies to</p> <ul style="list-style-type: none"> a. all current students of the College; and b. prospective students only in cases where the grievance pertains to a refund decision; and c. students who are no longer current students in cases where the grievance pertained to a decision made whilst they were enrolled in a College course; and, d. students who are not satisfied with the outcome of a remark request. <p>This policy does not apply in the following instances which fall within the scope of other policies including:</p> <ul style="list-style-type: none"> a. Any allegations involving the conduct of other students will be managed by the <i>Procedure for Managing Alleged Student Misconduct</i>; b. Complaints submitted via the Feedback Portal provided on the College webpage will be managed by the <i>Feedback Policy</i> c. Students seeking review of assessment decisions are required to submit a Remark Request Form, as outlined in the <i>Assessment Guidelines and Remark Request Procedure</i>. 												
Related Documents:	<p>Student Handbook</p> <p>Student Grievances and Appeals Procedure</p> <p>Student Grievance Form</p> <p>Appeal Form</p> <p>Bullying and Harassment Policy</p> <p>Feedback Policy</p> <p>Procedure for Managing Alleged Student Misconduct</p>											



	Critical Incident Policy
References & Legislation:	The National Code of Practice for Providers of Education and Training to Overseas Students 2018 Standard 10 Higher Education Standards Framework (Threshold Standards) 2015, Standard 2.4 Standards for Registered Training Organisations 2015, Standard 6 General Retention and Disposal Authority – University Records (GDA23 State Records NSW) No. 17.0.0 – 17.1.2

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1 Definitions

Word/Term/Acronym:	Definition:
Appeal	The reassessment of a grievance when the student is not satisfied with the decision or outcome.
The College	Refers to the UOW College Australia
Complainant	The student or prospective student lodging the formal complaint or appeal.
Current Student	A person enrolled in a course of study at the College.
Nominated delegate	The substantive, acting or temporary occupant formally appointed by the Head of the Legal and Governance division to determine the outcome of a Stage 3 Appeal with delegated authority under this policy.
External Authority	The relevant independent body with responsibility for external review of UOW College decisions. Relevant External Authority details are outlined in Section 10, Stage 4 of this Policy.
Grievance - less serious	Complaints that are less serious are those which are not unlawful but concern a decision, act or omission by a member of College staff or committee which affects the student's experience and should be addressed and resolved to avoid escalation.
Grievance - serious	Complaints that are considered serious are those which pertain to a decision, act or omission by a member of College staff or committee and may include (but are not limited to); sexual harassment, assault, unlawful behaviour and those contrary to the College's codes and rules. The College Bullying and Harassment Policy and/or Critical Incident Policy may also be applicable in these instances.
Head of Program	Refers to the College Academic Program Manager, English Language Centre Manager, RTO Manager Vocational Programs, English Language Coordinator, Academic Support Coordinator, and relevant Vocational Program Manager.
Procedural Fairness	Relates to the fairness of the procedure by which a decision is made, and not the fairness in a substantive sense of that decision.
Respondent	The person whose action or behavior is complained about in the grievance.

2 Policy Principles

- 2.1 The following general principles underpin the College's approach to the resolution of grievances and appeals and will be applied in all cases:
- a. a commitment to the early and informal resolution of grievances. It is recommended in the first instance that students seek to resolve grievances in an informal manner through discussion with someone close to the issue or in a position to provide advice, such as a Student Advisor or Teacher etc., before initiating formal grievance resolution processes;
 - b. parties involved in a grievance must participate in the grievance resolution process in good faith;
 - c. the principles of procedural fairness are adopted at every stage of the process. Parties involved in a grievance resolution process have a right to a fair hearing, and to have a decision made by an impartial and unbiased decision-maker;
 - d. the confidentiality of parties involved in a grievance must be respected at all times, subject to the need to fully investigate the matter and any legal requirements for disclosure;
 - e. both the complainant and respondent have the right to be accompanied or represented by a third party and must bear any costs associated with their procurement of such services. The College will not disclose a Complainant's personal information to any third party representative without the Complainant's written consent;
 - f. students are able to raise issues of concern in an environment free from fear of retribution, victimisation or breach of confidentiality;
 - g. the College will ensure grievances and appeals are acknowledged in writing and finalised as soon as practicable;
 - h. the College will maintain a student's enrolment throughout all stages of the grievance process for all types of grievances and appeals, except if the grievance is against the College's decision to defer or suspend a student's enrolment due to misbehaviour, actual or alleged (in cases where the urgency provisions in the Procedure for Managing Alleged Student Misconduct have been exercised), or to cancel the student's enrolment - in these cases the student's

enrolment may be restricted and will only be maintained throughout the internal appeals process;

- i. the College supports an active approach to informing students of policies and procedures and informs students about grievances and appeals processes and how to access relevant policies and procedures during their orientation program; and
- j. where applicable, either the College or the student may ask for an interpreter to be present and the student may be accompanied and assisted by a support person at any relevant meetings.

3 Grievance Resolution and Appeals Process

3.1 There are four (4) stages in this process:

- Stage 1: Informal approach to resolve the grievance
- Stage 2: Formal Grievance to Head of Program;
- Stage 3: Appeal to Head of Legal and Governance Division;
- Stage 4: External Appeals.

3.2 Where grievance pertains to the decision(s) or action(s) of the Head of Program, the process must commence at Stage 1, but if the grievance is not resolved at Stage 1, the matter must proceed directly to Stage 3.

3.3 Where the grievance pertains to the decision(s) or action(s) of the College General Manager, the process must commence at Stage 3.

3.4 Submission of Stage 2 formal grievance and Stage 3 appeal documentation must be submitted by one of the following methods:

- a. in person at; UOW College Reception Desk, Building 30, or
- b. via post to; UOW College Australia, Building 30, Northfields Avenue, University of Wollongong, Wollongong, NSW 2522, or
- c. via email to; college-compliance@uow.edu.au

4 Stages of the Process

4.1 Stage 1 – Informal Resolution

- 4.1.1 Students who have a question or concern about a decision, act or omission by a member of College staff or a Committee that affects their experience at the College should commence the grievance resolution process at Stage 1, and seek to resolve the grievance informally, except in cases where Part 3.3 applies.
- 4.1.2 Stage 1 of the grievance process requires students to approach and initiate discussion with a College staff member who is close to the issue or in a position to provide advice, such as a Student Advisor or Teacher etc., before initiating formal grievance resolution processes.
- 4.1.3 If the grievance is of a serious nature, students should approach a Student Advisor who will provide advice regarding the applicable policy and refer matters to the most appropriate area.
- 4.1.4 Where the grievance pertains to the conduct of a Student Advisor, the student may escalate the matter to a Senior member of staff as listed below, including, but not limited to:
- a. Student Services Manager,
 - b. Head of Program, or
 - c. General Manager.
- 4.1.5 Notwithstanding the current policies in place which may be applicable, including the [Critical Incident Policy](#), there may also be a legislative requirement for the

College to report matters to the police. In cases of an emergency and/or where a student's personal safety is threatened, they may also contact the Police.

- 4.1.6 Students will be notified of the Stage 1 outcome informally, either verbally or via email, by the staff member initially approached by the student, or thereafter tasked, to investigate and seek informal resolution of the grievance.

4.2 **Stage 2 – Formal Grievance to Head of Program**

- 4.2.1 Where a grievance is not resolved at Stage 1, students may progress to Stage 2 and seek formal resolution by the relevant Head of Program. Students are required to complete and submit a *Student Grievance Form* within 10 working days of receiving an outcome at Stage 1 of the process. This form is available from the College reception desk and the College website.
- 4.2.2 The Head of Program must attempt to resolve the matter directly and ensure the student receives relevant information about the grievance process.
- 4.2.3 The Head of Program must examine and consider all relevant documentation and evidence provided and where required, may consult with the General Manager and speak to the student and other relevant parties to make a determination.
- 4.2.4 Notification to Student
- a. The Head of Program must notify the student in writing of the Stage 2 outcome including reasons for the decision and the student's right to submit a Stage 3 appeal if they are not satisfied with the outcome at Stage 2, within 10 working days of receiving the Student Grievance Form.
 - b. Where the Head of Program requires more than 10 working days to finalise the grievance, the Head of Program must inform the student in writing and

explain why more than 10 working days are required to finalise the grievance.
They must also regularly update the student on the progress of the matter.

4.3 **Stage 3: Appeal to the Head of the Legal and Governance Division**

4.3.1 If a student is not satisfied with the outcome at Stage 2 of the process or Stage 1 if part 3.2 is applicable, they may appeal the decision in writing to the Head of the Legal and Governance Division (Stage 3 Appeal).

4.3.2 Students are required to complete an Appeal Form which is available at both the College reception desk and the College website and submit this form along with any supporting documentation:

- a. within 20 working days of being notified of a decision made by the General Manager, or;
- b. within 10 working days of receiving a response from the Head of Program at Stage 2 of the process, or;
- c. within 10 working days of receiving a response from Stage 1 of the process if Section 3.3 is applicable.

4.3.3 Students may only appeal at Stage 3 of the process on the following grounds:

- a. the College did not follow its policy and/or procedure; and/or
- b. there is new relevant information (new documentary evidence required); and/or
- c. the decision did not adhere to the principles of procedural fairness.

4.3.4 The appeal must identify the reason for the appeal and all relevant documentary evidence to support the appeal must be provided by the student with the appeal form.

4.3.5 The Student Appeals Officer must examine all relevant documentation and evidence provided and may also: consult with the General Manager; speak to the student; or consult other relevant parties; in order to make a recommendation regarding the appeal outcome. This information must then be presented to the Head of the Legal and

Governance Division, or nominated delegate, to determine the outcome of the Stage 3 Appeal.

4.3.6 If the Head of the Legal and Governance Division was involved in the complaint subject to a Stage 3 appeal, the College will assign another suitable member of the Management team as the nominated delegate to review and determine the outcome of the Stage 3 Appeal.

4.3.7 The Head of the Legal and Governance Division or nominated delegate must then determine whether the relevant policies and/or procedures have been followed correctly and review the circumstances underpinning the ground(s) for appeal.

4.3.8 Notification to Student

- a. The student must be notified, in writing, of the Stage 3 outcome including detailed reasons for the decision, within 10 working days of the appeal submission.
- b. Where the Head of the Legal and Governance Division or nominated delegate requires more than 10 days to finalise the appeal, the student must be advised of these circumstances in writing by the Student Appeals Officer and must receive regular updates on the progress of the matter.
- c. If the appeal is unsuccessful at Stage 3, the student must also be notified of their right to appeal to an external authority or independent mediator as detailed in Part 4.4.

4.4 **Stage 4 – External Appeal**

- 4.4.1 Students must exhaust all available internal review options as detailed above before pursuing an external review at Stage 4.
- 4.4.2 If students are not satisfied with the Stage 3 outcome, they can request the matter be dealt with through the relevant external appeal body as specified in Schedule 1 'Appeal Contact Details'.
- 4.4.3 If a student decides to pursue a Stage 4 external appeal, they must notify the Legal and Governance Division of this decision, in writing, within 10 working days of the notification of the Stage 3 outcome.
- 4.4.4 If the College does not receive any notification from the student of their intention to lodge a Stage 4 External Appeal, then the College will action the outcome of the Stage 3 Appeal.
- 4.4.5 Students must provide evidence of the external appeal lodgment to the College within 5 working days from the date of notifying the College of their intention to lodge and pursue a Stage 4 external appeal. This evidence is required so the College is able to halt any natural courses of action associated with the Stage 3 outcome until they have received a response from the external authority. Evidence may include an email acknowledgement receipt from the external body, an appeal reference number or a copy of the application form verifying the lodgment date.
- 4.4.6 Any domestic students enrolled in a Vocational Education and Training (VET) program who wish to pursue a Stage 4 external appeal regarding a matter not related to VET Student Loans will be referred to an external mediation service (see Schedule 1 'Appeal Contact Details'). The College will fully participate in this process and the student will bear all reasonable costs incurred.
- 4.4.7 Students not covered by Part 4.4.5 must lodge an external appeal with the relevant Ombudsman as outlined in Schedule 1.

5 Stage 4 External Appeal against Notice of Intention to Report for unsatisfactory attendance or course progress

- 5.1 International students who are appealing a decision to report them to the Department of Home Affairs for unsatisfactory attendance or course progress should exhaust all

available internal review options as detailed above before pursuing external review at Stage 4.

- 5.2 In cases where the appeal pertains to a decision to report the student to the Department of Home Affairs for unsatisfactory attendance or course progress and the student has lodged an external appeal, the College will await the outcome of only one (1) external appeal before reporting the student to the Department of Home Affairs, provided the external appeal outcome supports this decision.
- 5.3 International students who do not notify the College of their external appeal to the Overseas Ombudsman in accordance with Parts 4.4.2 and 4.4.3 will be reported to the Department of Home Affairs after the 10 working day period for notification to the College of the intention to lodge a Stage 4 appeal has lapsed.

6 Recommendations Arising from External Review

- 6.1 In cases where the external review body provides the College with any recommendations arising from the review, those recommendations will be actioned within 10 working days of receipt from the external review body.
- 6.2 In circumstances where Part 4.4.4 applies and recommendations are subsequently received from an external review body, the College will consider those recommendations and action where possible.

7 Withdrawing a Grievance or Appeal

- 7.1 Students may withdraw a grievance or appeal at any stage in the process, in writing, to the person handling the matter, who will notify relevant parties that the grievance or appeal is concluded.



8 Record Keeping

8.1 All parties involved in the grievance are obliged to keep records in line with preserving confidentiality and respecting privacy in accordance with the privacy policy and other relevant privacy legislation.

8.2 The College will store and retain electronic records in accordance with the General Retention and Disposal Authority – University Records (GDA23 State Records NSW) No. 17.1.1 and 17.1.2.

9 Change History

Version	Approved By	Date Effective	Amendment
1	WCA Academic Board	16/11/07	New Policy
2	Julie Renwick	09/02/09	External Authority list amended. NZ references removed. Reference to 10 days to submit grievance deleted.
3	WCA Academic Board	19/10/09	Reduction in the number of stages, six to 5, in the academic grievance resolution process.
4	ITC Quality Manager	10/08/10	Migrated to new template
5	Ian Tobin	20/06/11	Updated for name change. Ombudsman details updated, UOWC address updated.
6	UOWC Academic Board	05/12/13	Merged Academic and Non-Academic Grievance policies; Reference to Academic and Non-Academic grievances removed; Reduction in number of stages - five to four; External appeal notification parameters included; Appeal bodies and details updated; Updated to accommodate new College courses and leadership structure; Alignment with UOW policy; Migrated to new template.



7	General Manager	2/9/14	Minor Change – added correct submission details
8	UOW College Academic Board	19/03/15	Incorporation of UOW College Vocational Courses. Review of title 'Head of Program'.
9	WCA Academic Board		Implement outcomes of UOW Business Assurance Audit (April 2016); Reference to General Retention and Disposal Authority added; Correct version recorded in footer (9); Added definitions for 'current student' & 'external authority'; Updated Section 5 for record keeping procedures consistent with current best practice; Update contact details for current Head of Programs; Migrated to new template.
10	UOWCA Academic Board		Revised policy principles and definition of 'Complainant' to implement the Provider Registration Standards Updates to record keeping and disposal timeframes; Updates to contact details of appeal bodies to ensure policy remains current, and correct details for the State and Commonwealth Ombudsman are provided



Schedule 1

Stage	Program	Appeal Body	Contact Details
1	All	Student Advisor	Email: college-advisor@uow.edu.au Address: UOW College Australia, Building 30, Northfields Avenue, University of Wollongong, Wollongong NSW 2522 Telephone: (02) 4252 8821 or (02) 4252 8838
1	All	Student Services Manager	Email: college-compliance@uow.edu.au Address: UOW College Australia, Building 30, Northfields Avenue, University of Wollongong, Wollongong NSW 2522 Telephone: (02) 4252 8984
1	All	Head of Program Senior HR Advisor	Email: college-compliance@uow.edu.au Address: UOW College Australia, Building 30, Northfields Avenue, University of Wollongong, Wollongong NSW 2522 TelePhone: (02) 4252 8803



Stage	Program	Appeal Body	Contact Details
2	All	Head of Program	Email: college-compliance@uow.edu.au Address: UOW College Australia, Building 30, Northfields Avenue, University of Wollongong, Wollongong NSW 2522 Phone: 4252 8803
3	All	Head of Legal and Governance Division	Email: college-compliance@uow.edu.au Phone: 4221 5430
Stage 4 appeals must be submitted to the relevant external body			
International Students			
4	<ul style="list-style-type: none"> - Diploma of Engineering - Foundation Studies Programs 	NSW Ombudsman	<u>NSW Office of the Ombudsman</u> Phone: 1800 451 524 Email: nswombo@ombo.nsw.gov.au Website: www.ombo.nsw.gov.au
	<ul style="list-style-type: none"> - All Diploma Programs (except for Diploma of Engineering) - English Language Programs - Vocational Education and Training Programs 	Overseas Student Ombudsman is a specialist role of the Commonwealth Ombudsman	<u>Commonwealth Ombudsman</u> Phone: 1300 362 072 Email: ombudsman@ombudsman.gov.au Website: www.ombudsman.gov.au



Domestic Students			
4	- Diploma of Engineering - Non-Award Pathway Programs (UEC, UAP, STEP)	NSW Ombudsman	NSW Office of the Ombudsman Phone: 1800 451 524 Email: nswombo@ombo.nsw.gov.au Website: www.ombo.nsw.gov.au
	Vocational Education and Training Programs – VET Student Loans matters*	VET Student Loans Ombudsman is a specialist role of the Commonwealth Ombudsman	Commonwealth Ombudsman Phone: 1300 362 072 Email: ombudsman@ombudsman.gov.au Website: www.ombudsman.gov.au
	<p>*For all other VET related matters, students will be referred to the:</p> <p>Resolution Institute The Resolution Institute is an independent national association of dispute resolution. Level 1, 13-15 Bridge Street Sydney NSW 2000 Phone: (+61 2) 9251 3366 Fax: (+61 2) 9251 3733 Free call: 1800 651 650 Email: infoaus@resolution.institute Website: www.resolution.institute</p>		