

STUDENT GRIEVANCE POLICY

Approved by:	UOWC Academic Board	Date:	05 December 2013
Date Effective:	December 2013	Date of Next Review:	05 December 2016
Document No:	POL-UOWC-11	Revision:	6
Custodian:	UOWC General Manager		
Supporting Documents, Procedures & Forms:	<p>Student Handbook - October 2013 UOWC-UOWC-STUH/5</p> <p><i>Appeal Form</i> F-UOWC-12.1.1</p> <p><i>Student Grievance Form</i> F-UOWC-3.2.8</p> <p>Vocational Grievance & Appeals Policy POL-UOWCV-23 / Rev 4</p>		
References & Legislation:	<p>The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007</p> <p><u>Tertiary Education Quality and Standards Agency Act 2011</u>, Higher Education Standards Framework (Threshold Standards) 2011, Provider Registration Standard 6.4</p>		

Contents

1	Purpose of Policy	3
2	Definitions	3
3	Application & Scope	4
4	Policy Principles	4
5.	Record Keeping.....	5
6.	Process	6
7.	Stages of the Process	6
8.	Withdrawing a Grievance or Appeal	9
9.	Recommendations arising from external review	9
10.	Contact Details	10
11.	Version Control and Change History	10

1 Purpose of Policy

- 1.1 UOW College (the College) provides a fair, equitable and productive learning environment for all its students. This policy provides a transparent and consistent process for resolving grievances of students.
- 1.2 The policy affirms the following College guiding principles:
- a. a commitment to the principles of equal opportunity and social justice
 - b. accountability to students and the College community
 - c. high ethical standards, including cooperation, tolerance and acceptance of rights and obligations
 - d. active support for the educational and cultural needs of students.

2 Definitions

Word/Term	Definition
appeal	the reassessment of a complaint when the student is not satisfied with the decision or outcome
complainant	the person making a complaint
Director Legal and Governance	refers to the Head of the Legal and Governance division of UOW Enterprises
grievance (complaint)	a complaint by a student concerning a decision, act or omission by a member of College staff or committee which affects the student's academic experience
Head of Discipline	refers to the Academic Program Manager or English Language Centre Manager of UOW College
respondent	someone who responds or makes a reply to a complaint
student	a person enrolled at any of the College campuses

3 Application & Scope

- 3.1 This policy applies to all students enrolled in the following programs during the period relevant to the grievance under consideration:
- a. English language programs,
 - b. UOW College Higher Education Programs (Diplomas),
 - c. UOW accredited courses – University Access Program, University Entrance Certificate, Foundation Studies Program and Special Tertiary Entrance Program,
 - d. Any other courses or programs delivered by UOW College, excluding Vocational courses - please refer to the Vocational Grievance & Appeals Policy.
- 3.2 This policy applies to prospective students only in cases where the grievance pertains to a refund decision.
- 3.3 This policy does not replace or modify policies/procedures or any other responsibilities which may arise under other higher education provider policies or under statute or any other law.

4 Policy Principles

- 4.1 The following general principles underpin the College approach to the resolution of Grievances and will be applied in all cases:
- a. the College is committed to the early and informal resolution of grievances - students should attempt to resolve any grievances in an informal way with the person involved before initiating formal grievance resolution processes,
 - b. parties involved in a grievance must participate in the grievance resolution process in good faith,
 - c. grievance resolution processes should be applied fairly, flexibly and expeditiously and will provide an outcome with reasons,
 - d. all parties involved in a grievance should be treated with respect and impartiality,

- e. the principles of natural justice should be observed - parties involved in a grievance have a right to a fair hearing and to have a decision made by an unbiased decision-maker,
- f. the confidentiality of parties involved in a grievance should be respected at all times, subject to the need to fully investigate the matter and any legal requirements for disclosure,
- g. both the Complainant and Respondent have the right to be accompanied or represented by a third party and will bear any costs associated with their procurement of such services. The complainant must also provide the College written authorisation to disclose their personal information to their representative,
- h. students are able to raise issues of concern in an environment free from fear of retribution, victimisation or breach of confidentiality,
- i. the College will maintain a student's enrolment throughout all stages of the appeals process for all types of complaints and appeals, except if the appeal is against the College's decision to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment - in these cases the student's enrolment may be reduced and will only be maintained throughout the internal appeals process,
- j. the College supports an active approach to informing students of policies and procedures and informs students about complaints and appeals processes during their orientation program,
- k. where applicable, either the College or the student may ask for an interpreter to be present.

5. Record Keeping

- 5.1 Reasons and full explanations for decisions and actions taken will be kept in writing by the most senior person handling the case and will be provided to both the Complainant and/or representative at every stage of the grievance process, if requested.
- 5.2 Written records of grievances remain confidential and are kept for at least seven years.

6. Process

- 6.1 There are four stages in the College grievance resolution process:
- Stage 1: Informal approach to person directly involved in the decision or incident
 - Stage 2: Formal Grievance to Head of Discipline
 - Stage 3: Appeal to Director Legal and Governance
 - Stage 4: Appeal to an External Authority
- 6.2 The process will commence at Stage 3 where the grievance is related to the decisions or actions of the General Manager.
- 6.3 Where the grievance is related to the decisions or actions of the Head of Discipline, the process will commence at Stage 1. If the grievance is not resolved at Stage 1, the matter will proceed directly to Stage 3.

7. Stages of the Process

7.1 Stage 1 – Informal resolutions

- 7.1.1 Students who have a question or concern about a decision, act or omission by College staff or committees that affects their experience at the College should first, if possible, approach the person(s) directly involved to discuss the matter within 20 working days. They may also seek advice or support informally from other appropriate persons at the College (eg Student Advisors or teachers).

7.2 Stage 2 – Formal Grievance to Head of Discipline

- 7.2.1 Where a matter is not resolved at Stage 1, students may seek formal resolution by the relevant Head of Discipline. Students need to complete and submit a *Student Grievance Form* within 10 working days of receiving an outcome from Stage 1 of the process. This form is available from College reception and the College website.

- 7.2.2 The Head of Discipline will attempt to resolve the matter directly and will ensure that students receive all information about the grievance process.
- 7.2.3 After examining the relevant documentation and speaking to the student and other relevant parties where appropriate, the Head of Discipline will take action that may include reviewing the process to determine whether the correct process has been followed and considering any new evidence provided. The Head of Discipline will then determine an outcome.
- 7.2.4 Notification to Student
- a. The Head of Discipline will notify the student, in writing, of the Stage 2 outcome including reasons for the decision, within 10 working days of receiving the *Student Grievance Form*.
 - b. The Head of Discipline will also notify the student of their right to appeal to the Director Legal and Governance within 10 working days of being notified of the decision if the appeal is unsuccessful at Stage 2.

7.3 Stage 3 – Appeal to Director Legal and Governance

- 7.3.1 Where a student is not satisfied with a decision made by the General Manager or by the Head of Discipline at Stage 1 or Stage 2 of the process, the Complainant may appeal the decision in writing to the Director Legal and Governance.
- 7.3.2 Students need to complete and submit an *Appeal Form* available from College reception or the College website:
- 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 Discipline at Stage 2 of the process, or
 - c. within 10 working days of receiving a response from Stage 1 of the process if Section 6.3 is applicable.

7.3.3 Students may only appeal at Stage 3 of the process on the grounds that the College did not follow its policy/procedure, the decision was unfair, or that there is new relevant information. The appeal must identify the reason for the appeal and include any relevant documentary evidence to support the appeal. Students are advised that it is in their best interests to start the appeal process as early as possible.

7.3.4 After examining the relevant documentation and, if required, consulting with the General Manager and speaking to the student and other relevant parties where appropriate, the Director Legal and Governance will take action that may include reviewing the process to determine whether the correct process has been followed and considering any new evidence provided. The Director Legal and Governance will then determine an outcome.

7.3.5 Notification to Student

- a. The student will be notified, in writing, of the Stage 3 outcome including reasons for the decision, within 10 working days of appeal submission.
- b. The student will also be notified of their right to appeal to an independent/external body as detailed in 7.4 if the appeal is unsuccessful at Stage 3.

7.4 Stage 4 – Appeal to External Authorities

7.4.1 Students must exhaust all available internal review options as listed above before pursuing external review at Stage 4.

7.4.2 Students who are not satisfied with the Stage 3 decision of the College may lodge an appeal with an external authority within 10 working days of notification of the decision made at Stage 3 of the process.

7.4.3 The student must notify the College, in writing, of their intention to lodge an external appeal within 10 working days of notification of the decision made at Stage 3 of the process.

- 7.4.4 Students who lodge an external appeal must provide evidence of external appeal lodgement to the College within an additional 5 working days. Evidence may include an email acknowledgement of receipt from the external body, an appeal reference number or a copy of the application form verifying lodgement date.
- 7.4.5 The decision made at Stage 3 of the process will stand if the student fails to comply with 7.4.3 and 7.4.4.
- 7.4.6 International students who are appealing a decision to report them to the Immigration Department for unsatisfactory attendance or course progress and who do not notify the College of their external appeal in accordance with Sections 7.4.3 and 7.4.4 will be reported to the Immigration Department.
- 7.4.7 In cases where the appeal is against a decision to report the student to the Immigration Department for unsatisfactory attendance or course progress, the College will await the outcome of only one external appeal before reporting the student, provided the external appeal supports this decision. If a student wishes to pursue further external appeals processes, the student should discuss this with the Immigration Department.

8. Withdrawing a Grievance or Appeal

- 8.1 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.

9. Recommendations arising from external review

- 9.1 If the NSW Office of the Ombudsman or Overseas Student Ombudsman makes recommendations to the College arising in relation to a grievance they have reviewed, those recommendations will be actioned within ten (10) working days of receipt from the external authority.

10. Contact Details

Stage	Course	Appeal Body	Contact Details
2	All	Head of Discipline	Email: heather_thomas@uow.edu.au (ELC) henry_lee@uow.edu.au (Academic) Address: UOW College, Locked Bag 8812 Wollongong NSW 2500 Phone: 4252 8803
3	All	Director Legal and Governance	Email: college-compliance@uow.edu.au Phone: 4239 2531
4	English Language Programs	Overseas Student Ombudsman	Email: ombudsman@ombudsman.gov.au Phone: 1300 362 072 Website: www.oso.gov.au
4	UOW accredited courses (UAP, FSP & STEP) and UOW College Higher Education Programs (Diploma)	NSW Office of the Ombudsman	Email: nswombo@ombo.nsw.gov.au Phone: 1800 451 524 Website: www.ombo.nsw.gov.au

11. Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	16/11/07	WCA Academic Board	New Policy
2	09/02/09	Julie Renwick	External Authority list amended. NZ references removed. Reference to 10 days to submit grievance deleted.
3	19/10/09	WCA Academic Board	Reduction in the number of stages, six to 5, in the academic grievance resolution process.
4	10/08/10	ITC Quality Manager	Migrated to new template
5	20/06/11	Ian Tobin	Updated for name change. Ombudsman details updated, UOWC address updated.
6		UOWC Academic Board	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.