

Student Complaints Policy

Section 1 - Summary

(1) This Policy provides a framework for current students to seek resolution of complaints relating to aspects of their experience or engagement with Victoria University (VU).

Section 2 - HESF/ASQA/ESOS Alignment

(2) HESF: Standard 2.4 Student Grievances and Complaints; Standard 6.2 Corporate Monitoring and Accountability (specifically 6.2.1); Standard 7.2 Information for Prospective and Current Students (specifically 7.2.2f); Standard 7.3 Information Management (specifically 7.3.3c).

(3) Standards for RTOs (2015): Standard 6.

(4) National Code of Practice for Providers of Education and Training to Overseas Students 2018: Standard 10 Complaints and Appeals.

Section 3 - Scope

(5) This Policy may be used by:

- a. Students of VU, which includes all people whose study performance is being or is to be assessed by VU, notwithstanding that such a person is not enrolled at VU in a course leading to an award.
- b. Past students whose study ended less than six months prior to lodging the complaint, when relating to matters that occurred while they were a student.

(6) Complainants who are not students may use the processes provided in other VU policies and procedures to lodge complaints, for example;

- a. Prospective students and applicants (who may request a review under the [Admissions Policy](#))
- b. Clients of VU Clinics (who may complain under the [Student Clinics Policy](#));
- c. VU Staff (who may complain under the [Staff Complaints Resolution Policy](#)); or
- d. People wishing to lodge a complaint relating to Animal Welfare (who may complain under the [Animal Welfare Complaints Procedure](#))
- e. People wishing to lodge a complaint relating to alleged Research Misconduct (who may complain under the [Research Integrity - Guide to the Management of Potential Breaches of the Australian Code Procedure](#))
- f. Members of the public (who may complain under the [Public Complaints Policy](#))

(7) A complaint brought under this Policy may relate to:

- a. the performance of administrative, academic, teaching or research or service functions of VU;

- b. any third party involved in the delivery of services on behalf of VU, if the complaint is in regards to the delivery of those services; or
- c. the behaviour or actions of any person at VU.

(8) This Policy will not apply to any decision regarding a student that has been made under a policy or procedure that provides its own internal appeal or review mechanism (for example, disputes about assessment results or special consideration applications, which are covered within the Assessment Policy suite). However, a student may make a complaint if they believe that the relevant policy or procedure was not properly followed.

(9) When a complaint involves allegations of discrimination, harassment and bullying, these are managed in accordance with VU's [Discrimination and Harassment Prevention and Management Policy](#), [Sexual Harassment Response Policy](#), and [Bullying Prevention and Management Policy](#).

(10) When a complaint involves allegations of sexual assault, it will be addressed in accordance with VU's [Sexual Assault Response Policy](#).

Section 4 - Definitions

(11) Formal Complaint: A complaint in writing lodged via VU's Integrity Office for formal resolution.

(12) Informal Complaint: A minor issue that is suitable to be addressed informally and usually resolved easily (e.g. by a discussion with local staff, clarification of a misunderstanding etc.).

(13) Procedural Fairness: Procedural fairness means acting fairly in administrative decision making. It relates to the fairness of the procedure by which a decision is made, and not the fairness in a substantive sense of that decision. Procedural fairness requires that decision making processes are:

- a. free from bias or conflict of interest;
- b. based on evidence;
- c. equitable to all parties, including providing the opportunity for all parties to be heard.

(14) Conflicts of Interest

(15) Support Person: A person who is able to offer support to a complainant, witness or respondent, through attendance or assistance at investigations, interviews, hearings or other stages of a complaint. A support person cannot be a Student Advocate or a legal practitioner.

Section 5 - Policy Statement

(16) VU is committed to a culture of continuous improvement, quality assurance, excellence and ongoing process review and values comments from students on their VU experience and suggestions for improvement.

(17) VU recognises its responsibility to provide an environment in which students and staff are treated fairly and with respect. To this end, VU is committed to maintaining an organisational culture in which a student's right to seek resolution of a complaint is recognised and supported.

Complaint Handling Principles

(18) Complaints will be handled in accordance with the following principles:

- a. Good faith: The complaints process assumes and relies upon all parties engaging in good faith, with an open

approach to considering reasonable options.

b. Procedural fairness:

- i. All parties to a complaint will be treated fairly, and in a manner that respects their right to an unbiased, timely and transparent process.
- ii. The decision-maker will not be biased or appear to be biased nor have a personal or professional interest in the matter of the complaint.
- iii. Matters that are not relevant will not be taken into account by the decision-maker.
- iv. All complaints are considered on their merits, on the basis of information relevant to the complaint and any mitigating circumstances.
- v. All parties have the right to be heard before decision is made, including the right to respond to statements or material that is to be relied upon in reaching a determination.
- vi. Where the complaint concerns the actions of an individual or individuals, respondents have the right to be informed of the allegations and the right to respond.

c. Privacy, Confidentiality, and Anonymity

i. Privacy: Compliance with [Privacy Policy](#) & [Privacy Procedure](#)

ii. Confidentiality:

- A complaint will be treated by all parties with appropriate confidentiality.
- Unless required otherwise by law, information arising in the course of a complaint will be circulated only between the parties and other persons involved on a need-to-know basis.
- Information will only be used for the purpose of resolving the complaint in accordance with this Policy, with the provision that aggregated and de-identified data can be used to support VU's monitoring, reporting and continuous improvement processes.

iii. Anonymity: Students who have a complaint and wish to remain anonymous may lodge their complaint by emailing the Integrity Office. However, it should be noted that these complaints may be difficult to investigate because of inadequate information. The Senior Manager, Integrity & Safer Community will progress these matters at their discretion. Further, while VU will accept anonymous complaints it does not guarantee the ongoing anonymity of complainants.

d. Proximity: Every reasonable effort will be made by the parties to the complaint and the decision-maker to resolve the complaint at the level closest to the parties, bearing in mind the need to identify and resolve any conflict of interest.

e. Timeliness:

- i. All relevant levels of authority within VU will make every reasonable effort to resolve complaints as quickly as possible and in accordance with the timelines set out in the [Student Complaints Procedure](#) with no cost.
- ii. In resolving complaints, VU staff will be mindful of internal and/or external timelines, processes and requirements that are relevant to the subject of the complaint (e.g. census date, professional registration).
- iii. All student complaints will be concluded within 60 days wherever possible. When this is not possible, VU will inform the student in writing of the delay and the reasons for it, and the expected timeframe for completion.

f. Recordkeeping: All records related to a complaint process will be retained in accordance with VU's Retention and Disposal Authority, the relevant periods for which are detailed in the [Student Complaints Procedure](#).

g. Advocacy: VU will make available to students services for representation. VU will advertise the availability of these services through appropriate channels.

h. Support: The University supports the personal wellbeing of students and staff who are parties to a complaint. For example:

- i. A student may nominate their own support person, other than a practicing legal practitioner, to support them in the process. If a student does not have a person they wish to nominate, VU may supply at their request an appropriate support person.
 - ii. Assistance is available through the Student Counselling Service.
 - iii. The Safer Community Unit is available to offer advice, assistance and referral services to students who report sexual harassment, bullying, discrimination, vilification or other unlawful behaviours.
- i. Communication: All complaints will receive an acknowledgment in writing of the receipt of their complaint, however lodged.
- j. No disadvantage: A student making a complaint will not be disadvantaged simply because of having made the complaint.
- i. Where alternative study or class arrangements are necessary to resolve a complaint, any alternative arrangements will not act to disadvantage the student who made the complaint.
 - ii. In particular, the student will not be hindered from using VU facilities and attend lectures, classes, laboratories and tutorials and to submit assessment, simply because they have made the complaint.
 - iii. A student must not be hindered or prevented from lodging a complaint within 20 University business days of any termination of enrolment, provided the matter to which the complaint relates occurred during the course of their enrolment.
- k. No victimisation: VU will not tolerate victimisation in any form of:
- i. a student who lodges a complaint
 - ii. a person who provides information about a complaint matter; or
 - iii. any other person involved in investigating or adjudicating the complaint.

Disciplinary action will be taken against anyone who retaliates against or victimises a person as outlined above.

- l. A student who has lodged a complaint may still be subject to sanctions by VU if they are also:
- i. the subject of an action under the [Student Misconduct Regulations 2019](#); or
 - ii. subject to exclusion under the [Exclusion for Safety Reasons Regulations 2019](#); or
 - iii. subject to a cancellation of enrolment due to unpaid fees, where fees are unrelated to the substance of the complaint; or
 - iv. the subject of any relevant court order or action precluding them from attending a campus.
- m. Right to withdraw: A student making a complaint has the right to withdraw the complaint at any stage of the process. However, VU retains the right to address complaint matters, even in cases where a complaint has been withdrawn, in order to meet its obligations. VU also retains the right to not investigate a withdrawn complaint, particularly where another process is more appropriate or where there is insufficient connection with VU.
- n. Vexatious and frivolous complaints: Any student who uses the student complaints process to make a frivolous or vexatious complaint or who is deliberately misleading in relation to a complaint may be subject to student misconduct proceedings.
- o. Right to review and appeal:
- i. A student who is dissatisfied with a complaint decision may request a review by an appropriate Senior Officer who has had no previous involvement in the matter, as provided in the [Student Complaints Procedure](#).
 - ii. A student may appeal the outcome of a review if they meet the grounds provided in the [Student Appeals Regulations 2019](#).
- p. Right to external review: If, at the conclusion of all University-managed complaint, review and appeal processes, the student remains dissatisfied with the complaint process, they may lodge a request for an external review with the Victorian Ombudsman if they meet the grounds to do so.

Complaint-handling approach

(19) Student complaints will be managed in a consistent manner via a University-wide lodgement and triage process as specified in the [Student Complaints Procedure](#).

(20) Complaints will be addressed via:

- a. Informal Resolution: Students are encouraged, if appropriate and possible, to try to resolve their complaint with the relevant person or area if they feel comfortable to do so.
- b. Formal Complaint: The University will engage the most appropriate process for the nature of the complaint. All formal complaints will be received and triaged by the Integrity Office.
- c. Review: A student who is dissatisfied with a complaint decision can request a review. Reviews are performed by an appropriate senior person who has had no previous involvement in the matter.
- d. Appeal: A student who is dissatisfied with a review decision can apply to have an appeal heard under the [Student Appeals Regulations 2019](#) if they meet a specified ground of appeal.

Recording, Reporting and Continuous Improvement

(21) VU will make, maintain and manage a complete record of all complaints.

(22) Where possible and appropriate, VU will follow up on the causes of complaints, and put in place suitable remediation to mitigate against a recurrence, taking all opportunities for continuous improvement in complaints management.

(23) Regular reporting (at least annually) to the Academic Board of improvement strategies employed will take place.

Section 6 - Procedures

(24) [Student Complaints Procedure](#)

Status and Details

Status	Current
Effective Date	28th April 2022
Review Date	28th April 2025
Approval Authority	Academic Board
Approval Date	6th April 2022
Expiry Date	Not Applicable
Accountable Officer	John Lambrick Head of Legal Services +61 3 99195280
Responsible Officer	Kriss Guidotti Senior Coordinator, Safer Community +61399194865
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Glossary Terms and Definitions

"Conflicts of Interest" - A situation when other interests have the potential to compromise judgements and decisions that should be made impartially.