

Student Complaints Procedure

Section 1 - Summary

(1) This Procedure outlines the steps for students and Victoria University (VU) staff to follow in handling student complaints.

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 Procedure 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 complain under the [Admissions Policy](#))
- b. Clients of VU Clinics (who may complain under the [Student Clinics Policy](#));
- c. Staff of VU (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 Procedure 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 Procedure 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 VU's [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) Authorised Officer: University employee or agent of VU.

Section 5 - Policy/Regulation

(12) [Student Complaints Policy](#)

Section 6 - Procedure

Part A - Overview

(13) When a student has an issue or complaint, there are four key internal processes that may be employed to resolve the matter:

- a. Informal resolution: Staff and students are expected to try to resolve problems themselves (if reasonable and appropriate to do so) before making a complaint.
- b. Formal complaint: When an issue cannot be resolved at the local level, the student may lodge a complaint in writing via the Integrity Office. Integrity Office staff will perform an initial assessment of the complaint and will refer it to the most appropriate part of VU for resolution.
- c. Review: Once a decision is made in a complaint matter, a student may request a review of the decision. Reviews are performed by the relevant Senior Officer in the part of VU to which the complaint pertains.
- d. Appeal: If a student is dissatisfied with the outcome of a Review, and they meet one of the prescribed appeal grounds in the [Student Appeals Regulations 2019](#), they may lodge an appeal through VU's appeals process as specified in that instrument.

Part B - Informal Resolution

(14) Students are expected to attempt to resolve matters in good faith themselves, where it is reasonable and appropriate to do so, before lodging a complaint with the Integrity Office.

(15) Students are encouraged to identify their issues and, if possible, think of some solutions. Once a student has identified the issues and thought about solutions, either by themselves or in conjunction with a support service or person, they are encouraged to speak directly with the staff member or student responsible for the particular issue.

(16) When a staff member (Authorised Officer) becomes aware of a student issue, they should:

- a. endeavour to resolve the issue to the satisfaction of all parties if possible and where appropriate email the student the outcome and basis for that decision;
- b. refer the issue to a Senior Officer from within the College/Business area if appropriate; or
- c. where the matter is not suitable for local level resolution, or where parties consider that a matter may be serious and/or complex, or are seeking further advice, contact the Integrity Office as soon as practicable.

(17) Students may also raise their issues with an appropriate person within the relevant College/Business area. In attempting to resolve a student issue at the local level, the staff member (authorised officer) may employ a range of strategies, including but not limited to:

- a. Preliminary enquiries and seeking advice if required;
- b. Problem-solving and remedial intervention;
- c. Changing a decision within the scope of their authority;
- d. Provision of assistance and/or support to the local decision-maker;
- e. Referral to other staff or support services, such as Student Counselling or Safer Community;
- f. Facilitated discussions between parties;
- g. Mediation, which must be mutually agreed and arranged through the Integrity Office or Student Advocacy;
- h. Referring the complainant, or the complaint, to the Integrity Office.

(18) Students have free and confidential access to Student Advocacy Services, who can help the student speak to a staff member about their issues. Students may also access the following support services to assist with issues:

- a. AskVU - find answers to general questions, or ask a question;
- b. VUHQ (Student Services Centre);
- c. Counselling and Accessibility Service;
- d. Safer Community;
- e. International Student Support;
- f. Student Advocacy;
- g. Student Advising.

(19) Informal resolutions, whether provided in writing or not, can be lodged as a formal complaint if the informal resolution proves unsuccessful.

Part C - Lodging a Formal Complaint

(20) If an issue is not resolved at the local level (because either it is inappropriate or the resolution reached is considered unsatisfactory), students may make a complaint to the Integrity Office using VU's online complaint form.

(21) Students unable to use the online complaint form may contact the Integrity Office or Student Services Centre for assistance to provide a hard copy form. Students may lodge the complaint form at integrity.office@vu.edu.au or submit to a Student Service Centre in a sealed envelope addressed to: Integrity Office, Footscray Park Campus, Victoria University, PO Box 14428, Melbourne, VIC 8001.

(22) When making a complaint to the Integrity Office, students should:

- a. Describe the nature of their complaint, with as much detail as is practicable
- b. Identify the relevant breach in University policy and procedure if relevant

- c. Describe any local level attempts to resolve the matter or the reasons for bypassing the local level resolution process
- d. Propose the outcome sought (NB: students should be aware that not all formal complaints will result in the outcome they seek).

(23) Lodging a complaint via the online form will generate an immediate acknowledgment. Other methods of lodging complaints will be acknowledged in writing as soon as possible following receipt.

(24) Complaints must be raised in a timely fashion.

- a. Enrolled students must raise a complaint with the Integrity Office within 6 months of the issue arising or when the student first becomes aware of the matter that is the subject of the complaint. VU will only consider complaints lodged more than 6 months after the issue where VU considers that there are exceptional or compelling circumstances.

(25) The process of addressing the complaint will begin within 5 University business days of receipt of the written complaint.

Part D - Formal complaint preliminary assessment and triage

(26) When a complaint is lodged, a preliminary assessment and triage is performed by the Integrity Office. This involves:

- a. prioritising complaints for action
- b. determining what type of complaint is involved – academic, administrative, behavioural, or other
- c. assessing whether the complaint is of a serious nature
- d. the nature and substance of the complaint
- e. assessing whether the complaint is frivolous or has no substance
- f. ensuring that the complaint does not duplicate or substantially overlap with any legal action underway on the same matter, and
- g. determining the correct referral point for complaint resolution.

(27) In assessing the complaint, the Integrity Office may:

- a. contact the student and any other party/parties to a complaint in order to gather information
- b. if appropriate, contact the student to propose that informal resolution be attempted (if it has not been)
- c. seek to clarify the information relevant to the matter
- d. provide further information on the complaint process and next steps to the student
- e. provide relevant information arising from the complaint as feedback to the College/Portfolio area
- f. refer the matter to a different University process or service if this is more appropriate if it is not actually a complaint (e.g. fee issues, admissions matters, academic progress, misconduct, etc.)

(28) The Senior Manager, Integrity & Safer Community, may dismiss the complaint if it is out of time, vexatious, without merit or otherwise represents an abuse of process.

(29) Wherever possible, complainants should be involved in resolving their own matters. If a third party, including a parent, seeks to act on behalf of a complainant, the Integrity Office will seek written authorisation from the complainant.

Part E - Formal Complaint Management

(30) Student complaints will be referred by the Integrity Office to the relevant area of VU as detailed in the table below.

Nature of Complaint	Referred to	Methods of Resolution Available	Decisions available	Decision-maker
Any aspect of an academic program (excepting assessment and academic progress)	<p>Director Learning and Teaching in relevant College or nominee</p> <p>Program Manager (TAFE)</p> <p>*Where the Director Learning and Teaching is the subject of the complaint, the matter must be referred to the Executive Dean.</p>	<ul style="list-style-type: none"> - Facilitated conversations - Fact-finding activities - Conducting an investigation (see Part F) 	The complaint can be substantiated in whole or in part, or dismissed. Recommendations for actions may also be made.	<p>Director Learning and Teaching or nominee.</p> <p>Where the Director Learning and Teaching is the subject of the complaint, the matter must be referred to the Executive Dean.</p> <p>Where the Program Manager (TAFE) is the subject of the complaint, the matter must be referred to the Chief TAFE Officer.</p>
Any administrative or fees related matter	Appropriate branch of University administration	Fact-finding activities	<ul style="list-style-type: none"> - The complaint can be substantiated in whole or in part, or dismissed - Rectifications of administrative errors, including fee adjustment as appropriate. 	Appropriate Authorised Officer
Academic progress matters	Academic progress process	Refer to Academic Progress Regulations 2016 and its processes	N/A	N/A
Behaviour of a student	Safer Community	<ul style="list-style-type: none"> - Facilitated conversations - Fact-finding activities - Conducting an investigation (see below) 	<ul style="list-style-type: none"> - The complaint can be substantiated in whole or in part, or dismissed. Recommendations for actions may also be made - Where appropriate, the complaint may be referred to the student misconduct process, as outlined in the Student Misconduct Regulations 2019 for the application of penalties 	<p>Safer Community – Senior Coordinator or a Senior Officer managed in line with the Student Misconduct Regulations 2019 or if applicable the Exclusion for Safety Reasons Regulations 2019.</p>
Staff Misconduct	Chief Human Resources Officer or nominee	Treated as a staff misconduct matter under the relevant misconduct provisions of the Enterprise Agreement.	<ul style="list-style-type: none"> - The complaint can be substantiated in whole or in part, or dismissed. Recommendations for actions may also be made - Where appropriate, penalties may be applied in accordance with staff misconduct processes 	Chief Human Resources Officer or nominee

Nature of Complaint	Referred to	Methods of Resolution Available	Decisions available	Decision-maker
Behaviour of a Staff member	Appropriate Senior Officer in College or Service Area	Treated as interpersonal conflict between a staff member and a student that does not amount to staff misconduct under the Enterprise Agreement.	<ul style="list-style-type: none"> - The complaint can be substantiated in whole or in part, or dismissed. - Recommendations for actions may also be made 	A senior officer with frontline management of the staff member, such as an Executive Dean, Director of Learning & Teaching or Director of Service.

(31) Where a complaint is referred to another process (e.g. student progress matters) or for resolution by People and Culture (e.g. staff misconduct matters), the Integrity Office will advise the student of this and, where appropriate, will provide them with contact details for the person or area handling the matter.

(32) All staff members involved in resolving a complaint must be free from bias and not have a real or perceived conflict of interest, including prior involvement in handling the complaint.

(33) The Integrity Office will provide support and assistance to staff involved in resolving complaints.

(34) Complaints may be addressed using a range of approaches as appropriate. These include:

- a. fact-finding activities (e.g. requesting documentation, checking data systems, conducting conversations and interviews);
- b. facilitated conversations involving the student and other parties;
- c. investigations (see Part F below).

Part F - Investigation of Formal Complaints

(35) In Formal Complaints which involve more complex fact finding, an investigation process may be used:

- a. where a Senior Officer addressing the complaint believes it is warranted or would be useful, or
- b. where the Senior Manager, Integrity & Safer Community assesses the complaint as being of sufficient seriousness or complexity that an investigative process is necessary.

(36) A Senior Officer will be appointed by the Senior Manager, Integrity & Safer Community to investigate the formal complaint. If the Senior Officer considers that it is appropriate, another internal or external person may be appointed to conduct the investigation where specialist investigation skills and/or training are required beyond those of the Senior Officer or if the Senior Officer has a conflict and/or prior involvement in the formal complaint matter.

(37) The investigator will:

- a. conduct the investigation with due regard to procedural fairness, timeliness, and the individuals safety and well-being;
- b. notify the parties of the investigation;
- c. seek sufficient particulars of the alleged conduct to enable the complaint/concern to be investigated;
- d. provide the respondent (if any) with a summary of allegations and/or a statement of the alleged conduct;
- e. provide the respondent (if any) with an opportunity to respond to the complaint and/or alleged conduct;
- f. interview the parties and, where necessary, any witnesses;
- g. review any relevant documentation; and,
- h. prepare a report setting out the complaint, how the investigation was conducted, relevant facts, and findings,

and present this to the relevant decision-maker.

(38) Following the investigation, and once any quality check has been completed, a decision will be made by the decision-maker (see table above), which will be communicated to the student via the Integrity Office.

Part G - Quality Assurance of Formal Complaints

(39) The Senior Manager, Integrity & Safer Community, may undertake a quality check of all investigation reports to ensure that:

- a. issues raised in the student complaint or grievance have been investigated;
- b. the views of key stakeholders have been considered;
- c. the report is fair and balanced;
- d. all relevant circumstances have been considered; and,
- e. the findings and recommendations are evidence based and defensible.

(40) Where an investigation report does not comply with the requirements of clause 39, the Senior Manager, Integrity & Safer Community, is authorised to require a reconsideration of a decision or request re-investigation where there is an error in investigative process and outcome.

Part H - Decision-making in Formal Complaint matters

(41) A formal complaint will be found to be either:

- a. substantiated;
- b. substantiated in part; or,
- c. not substantiated.

(42) A determination that the complaint is substantiated wholly or in part may lead to any combination of the following outcomes, or any other outcome appropriate in the circumstances:

- a. rectification of administrative or academic error;
- b. implementation of negotiated solution;
- c. a direction of no contact between parties to the complaint by any means or for any reason;
- d. intervention by appropriate staff member (Authorised Officer);
- e. referral to another process (e.g. student progress process);
- f. misconduct action.

(43) The decision-maker will make a determination regarding the complaint and will:

- a. inform the student and any respondents of the outcome, reasons for the outcome, any proposed actions to follow, and their option to request a review of the decision;
- b. provide a summary statement of the outcome and actions to the Integrity Office for recording purposes.

(44) Decisions in complaint matters must be communicated to the student and the Integrity Office as soon as is practicable once the decision has been made.

Part I - Outcomes of Student Complaints about Staff

(45) It is acknowledged when a student makes a complaint about a staff member, the student complaints process and

the staff disciplinary process may become intertwined, and the outcome of one feeds in to the outcome of the other.

(46) The outcome of any staff disciplinary process will normally be confidential to the individual staff member, although the staff member may consent to information being shared with the student who made the complaint. In any case, the student making the complaint should be given some resolution to their complaint.

(47) If the staff member's behaviour has affected the complaining student's studies, health or wellbeing, VU will provide a remedy for that impact to the student, separately to any sanction issued against the staff member. The remedy will depend on the nature of the concern, the impact on the student, and what the student is seeking.

(48) The outcomes of student complaints about staff which have involved a staff disciplinary process are not reviewable or appealable.

Part J - Internal Reviews

(49) If a Student is dissatisfied with the outcome of a formal complaint decision, the Student can submit a Request for Internal Review form within 10 University Business days of the Formal complaint decision being communicated.

(50) Requests for review must be submitted via the Integrity Office.

(51) Reviews cannot be conducted on outcomes of complaints about staff which have been handled under the staff disciplinary process.

(52) Reviews can only be requested on the following grounds:

- a. procedural irregularities occurred during Formal Resolution, which were material or potentially material to the decision reached; or
- b. the complaint decision is manifestly unreasonable; or
- c. new evidence is available that potentially changes the outcome.

(53) The person conducting the review may consider any facts they consider relevant to the matter, including facts not presented in evidence in the original determination.

(54) The reviewer may:

- a. uphold the original decision without amendment;
- b. uphold the original decision but amend one or more of the outcomes;
- c. set aside the original decision and refer it back for new investigation; or
- d. set aside the original decision and substitute a different decision.

(55) The outcome of the review must be communicated to the student and to the Integrity Office as soon as is practicable after being decided.

(56) If the student is not satisfied with the outcome of the review, and has relevant grounds, they may proceed to an Appeal.

Part K - Appeal

(57) A student who wishes to appeal outcome of the review, and meets the prescribed grounds of the [Student Appeals Regulations 2019](#), may lodge an appeal through VU's Appeals process. The appeal process is detailed in the [Student Appeals Procedure](#).

Part L - External Review

(58) Students can seek an external review by the Victorian Ombudsman of the decision making process exercised by the University. The Ombudsman will consider if VU's stated process was followed in the particular instance.

(59) Students may also access other external organisations such as the Victorian Equal Opportunity and Human Rights Commission and the Australian Human Rights Commission.

(60) Student visa holders who wish to request an external review about cancellation of enrolment must provide evidence of the lodgement of their complaint within 20 University business days from the date of the Appeal decision.

Part M - Information management and recordkeeping

(61) Full and accurate records will be kept of all complaint, review and appeals matters, their investigation (if relevant) and their resolution.

(62) The Integrity Office will ensure that key information is captured centrally for each complaint that is lodged via the complaints process.

(63) Staff involved in complaint matters at any level, including informal complaints and complaints provided verbally, must also ensure that a record is made of the complaint and any resolution reached.

Part N - Reporting and Continuous Improvement

(64) The Integrity Office will provide an annual summary of de-identified complaints outcomes, trends and actions taken to improve services to the Academic Board and its relevant committees. This will include performance statistics showing the volume and type of complaints and key performance details, for example on the time taken and the stage at which complaints were resolved.

(65) The report to the Academic Board will focus on case studies and examples of how complaints have helped improve services and may also include positive feedback from students and/or members of the public.

(66) This will demonstrate VU's approach to improving services on the basis of complaints and show that complaints can influence University services. It will also help ensure transparency in VU's complaints handling service and will help to demonstrate to students and members of the public that VU values complaints.

(67) Senior Officers making decisions in formal complaint matters and/or the Integrity Office will also have responsibility to:

- a. use complaints data to identify the root cause of complaints;
- b. take action to reduce the chance of similar complaints happening again;
- c. systematically review complaints performance reports to improve performance.

(68) The analysis of management reports detailing complaints performance will help to ensure that any trends or wider issues, which may not be obvious from individual complaints, are quickly identified and addressed. Where the Senior Officer and/or Integrity Office identifies the need for service improvement:

- a. a member of staff (or team) will be designated the 'owner' of the issue with responsibility for ensuring that any identified action is taken
- b. a target date will be set for the action to be implemented and followed up on to ensure delivery within this timescale
- c. where appropriate, performance in the area concerned should be monitored by the service area or relevant

College to ensure that the issue has been resolved.

Status and Details

Status	Current
Effective Date	28th April 2022
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Accountable Officer	John Lambrick Head of Legal Services +61 3 9919 5280
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