

Student Complaints and Appeals Policy

SECTION 1 - PURPOSE

- (1) The main purpose of this Policy is to provide a framework within which:
 - a. students may lodge complaints and appeals with Melbourne Polytechnic; and
 - b. Melbourne Polytechnic handles student complaints and appeals.

SECTION 2 - SCOPE

- (2) This policy applies to students, staff, contractors, third-party service providers and visitors involved in a student or student-related complaint or appeal.
- (3) This policy also applies where a complaint relates to a decision-making process applied under another policy, where it provides an alternative appeal or means of complaint process.

SECTION 3 - POLICY

Policy Statement

- (4) Melbourne Polytechnic is committed to providing students with a supportive and inclusive learning environment. As part of this commitment, Melbourne Polytechnic acknowledges that student complaints may arise from time to time. Melbourne Polytechnic recognises that addressing student complaints in a respectful, timely and responsible manner and at no cost to students, benefits everyone involved and contributes to the continuous improvement of the institute as a whole.
- (5) Melbourne Polytechnic treats disclosures and/or formal reports of sexual harassment and sexual assault as a priority with the safety and wellbeing of students' paramount to the institute's response.

Policy Principles

- (6) In managing student complaints and appeals, Melbourne Polytechnic is guided by the following principles and best practice guidelines¹:
 - a. **Melbourne Polytechnic's Strategic Vision and Values.**
 - b. **Access:** Melbourne Polytechnic will provide an accessible, well publicised and transparent complaint handling process. Students may lodge a complaint or appeal at no financial cost and Melbourne Polytechnic staff will actively provide them with assistance about the process.
 - c. **Fairness:** Complaints will be properly investigated, dealt with on their merit, and managed in an objective and unbiased manner. Complaint investigators will afford procedural fairness to all parties to a complaint. The complaints and appeals process will provide avenues for review of the complaint outcome by people other than the original decision maker.
 - d. **Respect:** Students making complaints and other people involved in the complaint and appeals process will be treated with respect and engaged in the process as far as practicable. Melbourne Polytechnic will take all reasonable steps to ensure that Complainants are not adversely affected because of a complaint made by them or on their behalf.

¹ Ombudsmen Western Australia (2018), *Complaint Handling at Universities: Australasian Best Practices Guidelines*

Student Complaints and Appeals Policy

- e. **Support:** Students will be able to have advocacy and support during the complaints and appeals process and Melbourne Polytechnic will provide relevant student support services for Complainants if required. For under age and vulnerable cohorts, Melbourne Polytechnic will consider dealing with a guardian, friend, advocate or nominee who acts on behalf of a Complainant. The person's authority to act on the Complainants behalf may need to be verified if personal information is involved.
- f. **Privacy and Confidentiality:** All steps of handling a complaint should be adequately documented but the organisation should comply with all relevant privacy laws when managing a complaint. Complaints and appeals information should be reported on a de-identified basis and private or confidential information about any individual should be kept confidential and only used or referred to where this is necessary to address the complaint.
- g. **Continuous Improvement:** Responding to and learning from complaints is an essential part of Melbourne Polytechnic's commitment to continuous improvement and the institute will use this information to evaluate and improve programs and services, inform decisions about future delivery, and foster better interactions between the institute, staff and students.

SECTION 4 - POLICY TOPICS

Application

- (7) This policy applies to Complainants that are:
 - a. lodged by:
 - i. current and prospective students of Melbourne Polytechnic which relate to their period of enrolment or prospective enrolment in the preceding 12-month period; or
 - ii. former students of Melbourne Polytechnic whose enrolment ended no more than 12 months before the date a complaint is lodged; and
 - b. express dissatisfaction with the quality of an action taken, decision made or service, or a delay or failure in providing a service, taking an action, or making a decision by:
 - i. Melbourne Polytechnic;
 - ii. staff;
 - iii. contractors;
 - iv. third-party providers;
 - v. products or services provided by any one of the above; and
 - vi. other students.
- (8) The Chief Executive or their delegate have absolute discretion to extend the application of this policy to include complaints beyond the 12-month periods as outlined in point 7(a).

Complaints and Appeals Framework

- (9) The four key steps Melbourne Polytechnic undertakes to address student complaints or appeals are as follows:

Student Complaints and Appeals Policy

a. **Local Level Resolution**

Wherever appropriate and applicable, student complaints should be received, assessed and resolved as soon as possible through by contacting:

- i. the department, program or service area of Melbourne Polytechnic; or
- ii. the contractor or third-party provider, responsible for delivering the product or service or administering the policy, procedure or process about which the complaint is made.

Note: Melbourne Polytechnic acknowledges that there may be instances where this step is not appropriate or applicable, for example, if a student does not feel comfortable doing so.

b. **Written Complaint**

If resolution at a local level does not occur or is not appropriate or applicable, the Complainant may lodge a written complaint with Melbourne Polytechnic for investigation.

Please note: If a complaint is submitted anonymously, it can impact Melbourne Polytechnic's ability to seek further information and to progress a complaint.

c. **Access to Internal Appeal**

If the Complainant is aggrieved with the process or outcome of the initial written complaint, they can request an internal review of the decision.

d. **Access to External Review**

If the Complainant is aggrieved with the process or outcome of the internal appeal, they can request an external review of the decision by an independent body, appointed by the Chief Executive, and paid for by Melbourne Polytechnic.

(10) Melbourne Polytechnic has a number of academic policies and procedures (see *Related Documents* in Section 5) which have review and/or appeals process embedded within them. The processes in the appropriate academic policy or procedure should be followed in the first instance. If after following the appropriate academic process a student is aggrieved with the process followed, they can lodge a written complaint requesting the process be investigated.

(11) Under this framework:

- a. A student Complainant can access advice and support services through Student Services.
- b. All parties to a complaint or appeal may bring a support person with them to any discussions, meetings or interviews.
- c. Where a student is under the age of eighteen (18) years or there are special circumstances which result in the student being vulnerable, they may request that an advocate (friend, guardian or nominee) acts on their behalf and represents their wishes and views, with Melbourne Polytechnic not unreasonably denying such a request.
- d. If a complaint or appeal is found to be frivolous or lacking in substance, the processes under this policy will be discontinued.
- e. Any Complainant found to have lodged a malicious or vexatious complaint or appeal will be dealt with under the Student Discipline Policy.

Student Complaints and Appeals Policy

- f. If legal proceedings are commenced by a student which relate to the same or similar matters complained of in a complaint or appeal, the processes under this policy will automatically cease (unless deemed otherwise by the Chief Executive or their delegate).

Timelines

- (12) When a complaint is received, it will be recorded and acknowledged in writing within five (5) working days.
- (13) Melbourne Polytechnic will resolve serious complaints as soon as possible. Where assessed as non-serious, all complaints and appeal investigations are targeted to be finalised within thirty (30) working days.
- (14) Where this is not possible, the Complainant is to be informed in writing as to the reasons for the delay.
- (15) The Complainant will be contacted by an Investigator within ten (10) working days after they lodge a written complaint.
- (16) Outcomes and decisions in relation to a complaint or appeal will be communicated in writing to all relevant parties within ten (10) working days of the decision being reached.
- (17) If a Complainant is dissatisfied with the process or outcome of a complaint, they may request an internal appeal against the decision within ten (10) working days of receiving the outcome advice.

Privacy, Recordkeeping and Reporting

- (18) Relevant Directors/Managers are responsible for ensuring that records of all lodged complaints and appeals will be kept within Melbourne Polytechnic's complaints management system and maintained in accordance [Public Records Act 1973 \(Vic\)](#) and any other applicable legislation.
- (19) In certain circumstances, Melbourne Polytechnic may be required to report the matter to external bodies, even if a complaint is withdrawn.

Offshore Students and Third-Party Arrangements

- (20) Where a complaint or appeal is made by a student enrolled in an offshore program and/or under a third-party arrangement, a modified procedure may be used to consider the specific circumstances of the program or partnership, while still reflecting the intent of this policy. The modified procedure will include all reasonable steps to ensure natural justice and procedural fairness are adopted at every stage of the process.

Lodging External Complaints

- (21) This policy does not affect a student's rights under relevant legislation to make a complaint to an external or regulatory authority (for example, the Victorian Equal Opportunity and/or Human Rights Commission).

SECTION 5 - RESPONSIBILITY AND ACCOUNTABILITY

- (22) All responsible and accountable parties must act in accordance to the Student Complaints and Appeals Procedure.
- (23) The Chief Executive will be responsible for ensuring and promoting complaint handling is considered a priority for Melbourne Polytechnic and is the approving authority for this policy. The Chief Executive also holds responsibility for the external review process.

Student Complaints and Appeals Policy

- (24) The Executive Director, Student Engagement International and Community Partnerships, will be responsible for monitoring, reviewing and improving the effectiveness of complaints handling within Melbourne Polytechnic. The Executive Director also holds responsibility for the internal review process.
- (25) The Executive Leadership Committee and relevant Academic Boards are responsible for ensuring monitoring of all continuous improvements, reporting and corrective actions arising from complaints.
- (26) All Directors and Managers will be responsible for ensuring respectful and timely resolution to complaints raised in their area, with implementing corrective action and process improvement analysis processes.
- (27) The Investigator will be responsible for ensuring issues outlined in a complaint are investigated appropriately, recommending a decision and outcome to their supervisor.
- (28) The Complainant will be responsible for presenting the facts and providing objective evidence that relate to the complaint, maintaining respectful conduct according to relevant Melbourne Polytechnic policies and procedures.
- (29) All Melbourne Polytechnic staff are to ensure that they are familiar with the terms of relevant complaint handling and support services available at Melbourne Polytechnic and to address and attempt to resolve complaints they are involved with in a respectful and timely manner, without engaging in any form of victimisation or harassment.

SECTION 6 - SUPPORTING DOCUMENTS AND TEMPLATES

- (30) Related Melbourne Polytechnic policies and procedures:

- a. Assessment (HE) Policy
- b. Assessment (VET) Policy
- c. Credit (HE) Policy
- d. Information Technology Usage (Students) Policy
- e. International Students Academic Course Progress and Attendance Policy
- f. International Students Withdrawal, Transfer and Refund Policy
- g. Records Management Policy
- h. Student Academic Integrity (HE) Policy
- i. Student Academic Progress (HE) Policy
- j. Student Code of Conduct Guidelines
- k. Student Complaints and Appeals Procedure
- l. Student Discipline Policy
- m. Student Equal Opportunity, Discrimination and Harassment Policy
- n. Student Privacy Statement

- (31) Related Legislation and Regulation:

- a. [Age Discrimination Act 2004](#)
- b. [Charter of Human Rights and Responsibilities Act 2006 \(Vic\)](#)
- c. [Disability Discrimination Act 1992](#)
- d. [Equal Opportunity Act 2010 \(Vic\)](#)
- e. [Freedom of Information Act 1982 \(Vic\)](#)
- f. [Higher Education Standards Framework \(Threshold Standards\) 2021](#)
- g. [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#)
- h. [Occupational Health and Safety Act 2004 \(Vic\)](#)

Student Complaints and Appeals Policy

- i. [Ombudsman Act 1973 \(Vic\)](#)
- j. [Privacy Act 1988](#)
- k. [Privacy and Data Protection Act 2014 \(Vic\)](#)
- l. [Protected Disclosures Act 2012 \(Vic\)](#)
- m. [Public Records Act 1973 \(Vic\)](#)
- n. [Racial Discrimination Act 1975](#)
- o. [Sex Discrimination Act 1984](#)
- p. [Standards for Registered Training Organisations \(RTOs\) 2015](#)

SECTION 7 - DEFINITIONS

(32) In this Policy, the following definitions apply:

- a. **Complaint:** an expression of dissatisfaction with the quality of an action taken, decision made, or service provided by Melbourne Polytechnic, contractors or third-party providers, or a delay or failure in providing a service, taking an action, or making a decision by Melbourne Polytechnic, its contractors or a third-party provider.
- b. **Contractors:** third party contractors carrying out services on Melbourne Polytechnic's behalf.
- c. **Corrective Action:** action taken to address an issue or resolve a complaint or appeal.
- d. **De-identified:** information that has been altered so that it is no longer possible to identify an individual, enabling information to be shared or published without jeopardising personal privacy.
- e. **Final Decision:** the written decision of the Chief Executive (or delegate) as to whether or not to accept and/or implement the recommendations made in an External Review Report, which includes the reasons for the decision.
- f. **Frivolous:** a finding that a complaint or appeal is not seriously made, or relies on trivialities that do not warrant a review of the matter concerned.
- g. **Improvement Plan:** a plan to address any policy and process issues identified during root cause analysis of complaints and appeals.
- h. **Lacking in Substance:** a finding that a complaint or appeal lacks any merit. That is, on the merits there is no reasonable prospect the complaint or appeal will succeed.
- i. **Local Level:** the area of Melbourne Polytechnic or the member(s) of staff responsible for delivering the service or conducting the process about which the complaint is being made. For example, a member of teaching or administrative staff.
- j. **Serious Complaint:** refers to a complaint which includes, but is not limited to allegations and/or incidents that:
 - i. require the institute to take direct action (e.g. sexual harassment, threat of harm to self or others);
 - ii. are potential offences under law that could be proven (e.g. actual or alleged sexual, physical or other assault); or
 - iii. may otherwise present a significant risk to Melbourne Polytechnic, its students, staff and/or community.

Student Complaints and Appeals Policy

- k. **Sexual Harassment:** where a person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to another person, or engages in any other unwelcome conduct of a sexual nature in relation to the other person, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.
- l. **Third Party Providers:** third party providers who deliver higher education, vocational education and training (VET) or other courses under Melbourne Polytechnic's auspices.
- m. **Vexatious or Malicious Complaints or Appeals:** complaints or appeals deliberately intended to annoy or bring distress or suffering to other parties.

SECTION 8 - POLICY CONTROL

Approving authority	<i>Chief Executive</i>
Date approved	<i>3 December 2021</i>
Date promulgated	<i>6 December 2021</i>
Policy owner	<i>Executive Director Student Engagement, International and Community Partnerships</i>
Policy implementation officer	<i>Manager, Student Services</i>
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