

Student Complaints and Appeals Procedure

Section 1 - Purpose

(1) The main purpose of this procedure is to describe the process and assign responsibility for the management of student complaints and related appeals processes that support the [Student Complaints and Appeals Policy](#).

Section 2 - Scope

(2) This procedure applies to staff, students, contractors, third-party service providers and visitors involved in a student or student-related complaint or appeal made under the [Student Complaints and Appeals Policy](#).

(3) This procedure also applies where the complaint relates to a decision-making process applied under another policy, where it provides an alternative appeal or means of complaint process.

Section 3 - Procedure

(4) This section provides a summary of Melbourne Polytechnic's Student Complaint and Appeal Framework. Refer to [Appendix A](#) for a detailed workflow process and relevant timeframes for complaint and appeal lodgement.

Seeking Local Level Resolution

(5) Discuss (where possible) your concerns with the other party (staff or student) and make every reasonable effort to resolve the matter informally and as soon as practicable.

(6) If resolution at a local level does not occur or is not appropriate or applicable, a written complaint may be lodged with Melbourne Polytechnic for investigation.

Lodging a Written Complaint

(7) Complaints should be submitted through the [Online Complaints and Feedback Portal](#).

(8) Where this is not possible, complaints can also be submitted through the following channels:

- a. in hard copy at the Student Hub
- b. via email to feedback@melbournepolytechnic.edu.au

(9) When the complaint is received, it will be recorded and acknowledged in writing within five (5) working days.

(10) The Student Complaints Liaison Officer, tasked with triaging all complaints, will initially review and assess all complaints lodged considering the following:

- a. the seriousness of the complaint;
- b. whether the complaint raises concern about health and safety;
- c. if the concerns raised are within Melbourne Polytechnic's capacity to resolve and/or meet the criteria set out in

this policy;

- d. how the Complainant is affected;
- e. the potential risk involved if attempted resolution of the complaint is delayed; and
- f. if the complaint requires the involvement of other areas of Melbourne Polytechnic and if so, the appropriate investigating authority.

(11) Where necessary, a complaint will be escalated to the Executive Director People and Student Success who will review and determine if immediate action is required and if so, may instigate any precautionary measures required to support the wellbeing of the Complainant.

Outcomes and Decisions

(12) Whilst recognising every complaint is unique in nature, possible outcome/s for a Complainant could include:

- a. taking steps to address the matter i.e. such as having a penalty overturned or having a record corrected;
- b. issuance of an apology;
- c. a change to practices or procedures;
- d. staff refresher training;
- e. improved communications; or
- f. no action being taken.

(13) Where a Complainant alleges misconduct or there are adverse findings about a specific staff member or student, Melbourne Polytechnic will consider any privacy obligations under the [Privacy and Data Protection Act 2014](#) before divulging any rulings about that individual. This may result in advising a Complainant that their complaint was dealt with under the misconduct provisions of the relevant Staff Enterprise Agreement or [Student Discipline Policy](#), but not advise the particular findings or outcomes of that process.

(14) The outcome of student complaints and appeals will be monitored to ensure completion of any resulting actions.

Requesting an Internal/External Appeal

(15) A Complainant has the right to appeal a decision made in relation to a complaint or process under the [Student Complaints and Appeals Policy](#) or other Melbourne Polytechnic policy.

(16) All appeals should be made in writing to appeals@melbournepolytechnic.edu.au outlining the reasoning for the appeal. Reasons may include:

- a. procedural irregularity;
- b. new information available;
- c. decision is manifestly wrong; and/or
- d. evidence of prejudice or bias in decision of complaint.

Privacy, Recordkeeping and Reporting

(17) 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.

(18) Melbourne Polytechnic undertakes routine analysis and monitoring of complaints data and trends to identify opportunities for improvement that shall contribute to continuous improvement of Melbourne Polytechnic policies and practices. Refer to [Appendix B](#) for detailed information.

(19) In certain circumstances, Melbourne Polytechnic may be required to report the matter to external bodies, even if a complaint is withdrawn.

(20) All complaint reporting will be de-identified and may include information such as:

- a. number and categories of complaints and how the complaint was received;
- b. desired (if known) and final outcome of complaints, including corrective action taken at an individual or systematic level;
- c. the course, department and/or sector in which the student is/was enrolled;
- d. trends; and
- e. response timeframes for assessment and action, including average time to resolution.

Appeals Regarding Academic Policies and Procedures

(21) Many academic policies and procedures have a review and/or appeals process embedded within them, and students should follow these processes in the first instance (see Supporting Documents in Section 5 of this procedure).

Offshore Students

(22) Where a complaint or appeal is made by an offshore student a modified procedure will be used which reflects the intent of the [Student Complaints and Appeals Policy](#), whilst taking into account the different circumstances.

(23) The procedure will be overseen by the Executive Director People and Student Success, and will take all reasonable steps to ensure natural justice and procedural fairness are adopted at every stage of the process.

Third Party Arrangements

(24) Where a complaint or appeal is made by a student at a third-party provider, Melbourne Polytechnic will be responsible for ensuring that the matter is appropriately investigated and resolved.

Section 4 - Responsibility and Accountability

(25) All responsible and accountable parties (as outlined in [Appendix C](#)) must act in accordance to the [Student Complaints and Appeals Policy](#).

(26) 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.

(27) The Executive Director People and Student Success 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.

(28) The Executive Leadership Team and relevant Academic Boards are responsible for ensuring monitoring of all continuous improvements, reporting and corrective actions arising from complaints.

(29) 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.

(30) The Investigator will be responsible for ensuring issues outlined in a complaint are investigated appropriately, recommending a decision and outcome to their supervisor.

(31) 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.

(32) 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 5 - Supporting Documents

(33) 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 Course Progress and Attendance Procedure](#)
- f. [International Students Withdrawal Transfer and Refund Procedure](#)
- g. [Records Management Policy](#)
- h. [Academic Integrity Policy](#)
- i. [Student Academic Progress \(HE\) Policy](#)
- j. [Student Code of Conduct Guidelines](#)
- k. [Student Complaints and Appeals Policy](#)
- l. [Student Discipline Policy](#)
- m. [Student Equal Opportunity, Discrimination and Harassment Policy](#)
- n. [Student Privacy Statement](#)

(34) 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. [Occupation Health and Safety Act 2004](#) (Vic)
- i. [Ombudsman Act 1973](#) (Vic)
- j. [Privacy Act 1988](#)
- k. [Privacy and Data Protection Act 2014](#) (Vic)
- l. [Protected Disclosure 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 6 - Definitions

(35) In this Procedure, 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.
- 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 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.

Status and Details

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Policy Owner	Cathy Frazer Executive Director People and Student Success
Policy Implementation Officer	Karen Cook Manager Student Services
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