



UOW College Hong Kong (UOWCHK)

Complaints Procedure for UOWCHK Students

Scope

1. This procedure applies to complaints made by current students of the UOW College Hong Kong (UOWCHK). Previously enrolled students may lodge a complaint under this procedure provided that the event resulting in complaint occurred while they were enrolled.
2. This procedure may not be used to challenge the professional academic judgement of examiners on the performance of students; or for any of the following, for which separate procedures exist:
 - To request a review of any decision of an Assessment Panel or Examination Board.
 - To challenge the decisions made by any committee or panel at local or College level on a student disciplinary matter.
 - To make a complaint against the President.
 - To make a complaint in relation to the conduct of any student of UOWCHK.

Definitions

3. “Complaint” is defined, in this procedure, as any type of problem, concern or grievance about UOWCHK or its environment, which has an adverse impact on the complainant’s educational experience, and that is not covered by other university or UOWCHK procedures, policies or codes of conduct, including those listed in paragraph 2 above.
4. A student who makes a complaint will be referred to as “the complainant” throughout this document.
5. Individuals/faculties/offices who/which are named in a complaint will be referred to as “the respondent” throughout this document.
6. For the purposes of this procedure, “day” refers to calendar day.

Principles

7. UOWCHK encourages, as far as possible, concerns and complaints to be addressed informally and through constructive dialogue between the parties directly involved. In the event that a complaint cannot be resolved via informal means, the following procedures are available to students who wish to lodge the complaint formally.
8. UOWCHK believes that a set of impartial, transparent and comprehensible procedures will serve the interests of UOWCHK and all students and will provide a mechanism for continual improvement of UOWCHK services. UOWCHK trusts that all students will make use of the procedures available in a positive manner. However, in the exceptional case where a student is found to have misused the procedures, UOWCHK reserves the right to consider the case not deserving further investigation.

9. Students are also reminded that they are expected to give fair comments and to provide evidence when lodging a complaint. In the event that a complaint is found to be malicious, vexatious or abusive, the complainant will be answerable for any action that the individual(s) who is (are) subject(s) of a complaint may resolve to take.
10. Students are ensured that lodging a complaint will in no way affect the assessment of the complainant's academic performance and the way in which the complainant is treated.
11. The complainant must be able to demonstrate that the complaint is based on evidence which the complainant honestly and reasonably believes to be substantially true.
12. All information received as a result of a complaint investigation will remain confidential to those involved in the process. However, it should be noted that the respondent will be informed of details of the complaint.
13. In making his/her complaint, a student shall identify himself/herself properly. Complaints lodged anonymously will not normally be investigated. However, in exceptional circumstances, the President may decide that an investigation is warranted.
14. UOWCHK may consider invoking the disciplinary procedures 3 under the Code of Student Conduct in those cases where a complaint is found to be malicious.

Timescales

15. Any complaint should be made within a reasonable time of the event which has given rise to the complaint and no later than three months after the event.
16. Every effort will be made to adhere to the time limits set out in this procedure. There may be occasions, however, when this is not possible. In this event the complainants will be kept informed of progress.

Stages of the Complaint Process

17. The complaint procedure may consist of four stages as follows:

- Stage 1: Informal Resolution
- Stage 2: Formal Complaint Process
- Stage 3: Appeal to the President
- Stage 4: External Review

Stage 1: Informal Resolution

18. Many complaints can be handled through the informal process. This process should normally be used in the first instance. The complainant should raise the complaint initially with the most appropriate person in the relevant unit as follows:
 - Students wishing to complain about the treatment of a specific UOWCHK staff should try to approach the staff initially;
 - Students wishing to complain about the provision of a particular academic programme should relay their concerns to the appropriate Programme Leader;

- Students wishing to complain about the quality of administrative services should talk to the staff or unit(s) identified to be responsible for its provision and implementation.
 - Alternatively, the appropriate Dean/Associate Dean of Faculty / Unit could be approached if a student feels that it is not appropriate to talk to UOWCHK staff concerned directly.
19. Notwithstanding the current policies in place which may be applicable, there may also be a legislative requirement for the College to report matters to the police. In cases of an emergency and/or where a student's personal safety is threatened, the student may also contact the police.
20. The complainant and respondent (where applicable), will be notified of the Stage 1 outcome informally, either verbally or via email, by the staff member initially approached by the complainant.

Stage 2: Formal Complaint Process

21. When it is not possible to resolve problems satisfactorily via the Stage 1 Informal Resolution process, students may wish to lodge a formal complaint to the Vice President (Academic). The complainant who wishes to proceed to Stage 2 to make a formal complaint must submit a request in writing to the President (Academic) within 10 working days of receiving an outcome at Stage 1 of the process and provide the complete information as follows:
- a clear statement of the nature of the complaint;
 - an explanation of the steps that have been taken to try to resolve the complaint informally and why the responses are not considered satisfactory;
 - evidence supporting the complaint.
22. The Vice President (Academic) shall consider the matter at the earliest opportunity and may undertake an initial investigation. He/she shall normally respond to the complainant with one of the following decisions within 10 days of receipt of the complaint:
- Dismissal of the complaint as unfounded; or
 - Determination that the complaint is trivial and that no further action be taken; or
 - Determination that the complaint is malicious; or
 - Proposal of an informal resolution to the complainant; or
 - Determination that the matter be investigated further by the Student Complaints Panel.
23. If he/she decides that it is appropriate, the Vice President (Academic) will refer the case to the Student Complaints Panel to handle the complaint formally within 10 days of receipt of the complaint. The Panel shall include:
- Vice President (Academic), or nominee, as the Chair;
 - Two staff members appointed by the President;
 - A student appointed by the Academic Board from among the elected student representatives in the Academic Board;
 - Director of Student Services; and
 - The Secretary shall be an administrative staff member appointed by the Chair.

No individual who was involved with a case during the informal process should be a member of the Panel for that case.

24. The complainant/respondent will be informed in writing of the membership of the Student Complaints Panel.

25. The Panel will initially carry out a review of the complaint, based upon the key documents generated at Stage 1 and further information which the complainant/respondent wishes to add.
26. Both the complainant and respondent are entitled to be accompanied by a staff or student member of UOWCHK, who is not involved in the case, to attend any interviews or meetings convened by the Panel. In this instance they must advise the Panel Secretary of the attendance of a companion at least 3 days before the meeting, and must provide the name and status of the companion.
27. The Panel shall complete its investigation, hearing and proceedings as quickly as possible and normally within 30 days of receipt of the referred case. On completion of its investigation, the Panel's report containing its findings of facts and its recommendations shall be released to both the complainant and the respondent on a confidential basis.
28. The complainant and respondent (where applicable) will be notified of the Stage 2 outcome by the Panel Secretary via email or letter.
29. If the complainant / respondent is not satisfied with the outcome of this Stage 2 Formal Complaint Process, he/she might wish to submit an appeal.

Stage 3: Appeal to the President

30. If the complaint remains unresolved or the complainant / respondent is still not satisfied with the outcome after the conclusion of the Stage 2. Formal Complaint Process, he/she may submit an appeal in writing to the President within 10 days of receipt of notification of outcome. In his/her appeal, he/she should state the grounds for appeal, which are limited to the following:
 - (i) procedural irregularities in the investigation during the formal process;
 - (ii) fresh evidence which for good reasons had not been presented previously in the formal process.
31. The Student Appeals Officer will examine all relevant documentation and evidence provided and may also consult with the Programme Leader/Faculty Dean/Faculty Associate Dean, speak to the student, or consult other relevant parties in order to make a recommendation regarding the appeal outcome. This information will then be presented to the President to determine the outcome of the Stage 3 Appeal.
32. The President or nominee shall consider the matter at the earliest opportunity. He/she shall normally respond to the complainant with one of the following decisions within 10 days of receipt of the appeal:
 - Dismiss the appeal as unfounded; or
 - Propose a resolution to the complainant; or
 - Convene a UOWCHK Appeal Panel to consider the appeal.
33. The President will review the circumstances underpinning the ground(s) for appeal and determine whether or not the relevant policies and/or procedures have been followed correctly.

34. Should the President decide to convene a UOWCHK Appeal Panel, such panel will be established within 20 days after receipt of a request for an appeal. The Panel shall include:

- President or nominee as the Chair;
- One staff member appointed by the President;
- A student appointed by the Academic Board from among the elected student representatives in the Academic Board
- Administrative staff member appointed by the President as Secretary.

No individual who was involved with the case during either the informal or the formal process should be a member of the Panel for that case.

35. The complainant/respondent will be informed in writing of the membership of the UOWCHK Appeal Panel and any new evidence which had not been presented previously in the formal process.

36. The UOWCHK Appeal Panel will carry out a review of the complaint, based upon the key documents generated at the informal and formal stages, the evidence supporting grounds for appeal, and any further information which the complainant/respondent wishes to add.

37. The UOWCHK Appeal Panel shall complete its investigation, hearing and proceedings as quickly as possible and normally within 30 days of receipt of the referred case. On completion of its investigation, the Panel's report containing its findings of facts and its recommendations shall be released to both the complainant and the respondent on a confidential basis.

38. The UOWCHK Appeal Panel may decide:

- to confirm the decision previously made by the Student Complaints Panel, and thus conclude the consideration of the complaint under this procedure; or
- to propose an alternative resolution to the complainant/respondent.

39. The student must be notified in writing of the Stage 3 Appeal outcome including detailed reasons for the decision, within 10 working days of the appeal submission. Where the President requires more than 10 days to finalize the appeal, the student must be advised of these circumstances in writing by the Student Appeals Officer and must receive regular updates on the progress of the matter.

40. If the appeal is unsuccessful at Stage 3, the student must also be notified of the right to appeal to an external authority or independent mediator at UOWGE at Stage 4 of the Complaint Process.

Stage 4: External Review

41. Students must exhaust all available internal review options in the UOWCHK as detailed above before pursuing an external review by UOWGE at Stage 4.

42. Any student who wishes to proceed to Stage 4 External Review must lodge the appeal in writing to the UOWGE Executive Director of Commercial and Legal (uow-enterprises@uow.edu.au) within 10 working days of the notification of the Stage 3 outcome. Such students must also provide evidence of the external appeal lodgement to the College

within 2 working days from the date of lodging the appeal to UOWGE. This evidence is required so that the College is able to halt any courses of action associated with the Stage 3 outcome until they have received a response from the External Review by UOWGE.

43. If the College does not receive any notification from the student of lodgement of a Stage 4 External Review in writing within 10 working days of the notification of the Stage 3 outcome, the College will action the outcome of the Stage 3 Appeal.
44. The students concerned shall bear all reasonable costs associated with this external appeal process.
45. The decision of the UOWGE Appeal Panel is final.

Withdrawing a Grievance or Appeal

46. At any stage of the informal or formal process, the complainant may decide to withdraw the complaint/appeal. In most instances UOWCHK will deem the complaint resolved. However, in certain circumstances, the President may deem the complaint serious enough for an internal investigation to continue.

Records Keeping and Reporting

47. The relevant office/unit should keep records of the formal complaints received or handled. A report shall be submitted annually to the Academic Board on all formal complaints raised during the year, including those which have been dismissed.

(Revised on 25 March 2022)