

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

under the Code of Student Conduct in those cases where a complaint is found to be malicious.

15. At any stage of the informal or formal process, the complainant may decide to withdraw the complaint. In most instances UOWCHK will then deem the complaint resolved. However, in certain circumstances, the President may deem the complaint serious enough for an internal investigation to continue.
16. The complaint procedure is divided into four stages:
 - Informal Complaint Process
 - Formal Complaint Process
 - Appeal Process
 - Recordkeeping and Reporting Process

Timescales

17. 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.
18. 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.

Informal Complaint Process

19. 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.

Students wishing to complain about:

- the treatment of a specific UOWCHK staff should try to approach the staff initially;
- the provision of a particular academic programme should relay their concerns to the appropriate Programme Leader;
- 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.

20. If attempts at informal resolution are not successful to the complainant's satisfaction, the complainant may initiate the formal complaint process.

Formal Complaint Process

21. When it is not possible to resolve problems immediately and satisfactorily via informal means, students may wish to lodge a formal complaint to the Vice President (Academic). The following information should be provided when a complainant wishes to make a formal complaint:

- 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 Learning;
- 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 the informal stage and further information which the complaint/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 fact and its recommendations shall be released to both the complainant and the respondent on a confidential basis.
28. If the complainant / respondent is not satisfied with the outcome of this formal process, he/she might wish to submit an appeal.

Appeal Process

29. If the complaint remains unresolved or the complainant / respondent is not satisfied with the outcome after the conclusion of the formal review 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.

30. 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:
 - Dismissal of the appeal as unfounded; or
 - Proposal of a resolution to the complainant; or
 - Convene a Complaints Appeal Panel to consider the appeal.
31. Should the President or nominee elect either to dismiss the appeal, or to propose a resolution to the complainant without recourse to a Complaints Appeal Panel, then his/her decision shall be final.
32. The Complaints Appeal Panel will be established within 20 days after receipt of a request for an appeal. The Appeal 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 Appeal Panel for that case.
33. The complainant/respondent will be informed in writing of the membership of the Complaints Appeal Panel and any new evidence which had not been presented previously in the formal process.
34. The 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.
35. The 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 fact and its recommendations shall be released to both the complainant and the respondent on a confidential basis.
36. The 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.

37. The decision of the Complaints Appeal Panel is final.

Recordkeeping and Reporting

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

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