

ENGLISH LANGUAGE PROGRAMS STUDENT COMPLAINT HANDLING AND RESOLUTION POLICY

1. PURPOSE AND SCOPE

- 1.1. This policy applies only to complaints from students studying in the English Language Programs at The College.
- 1.2. A complaint may be about policy or procedure of The College, or about an individual employed by The College.
- 1.3. There are separate policies and procedures on different aspects of College operations and these may contain processes regarding appeals against decisions. Where the subject matter of a complaint comes within those policies and procedures, such processes must be pursued to conclusion before submitting a complaint under this policy.
- 1.4. This policy and related procedure is to be used to handle and resolve complaints for English Language Program students where no other internal process exists or where other processes, including appeals, have been exhausted.

2. DEFINITIONS

- 2.1. For the purposes of this policy, the following definitions apply:
 - 2.1.1. Complaint - the expression of dissatisfaction drawn to the attention of a member of The College staff that requires review, investigation or action.
 - 2.1.2. Complainant - the person/persons who have lodged a complaint.
 - 2.1.3. Frivolous - refers to an issue that is determined to be so minor, trifling or unimportant that no further action is required.
 - 2.1.4. Grievance - has the same meaning as complaint.
 - 2.1.5. Misconduct - refers to actions that are serious enough to be regarded as requiring referral to a formal disciplinary process constituted in accordance with a relevant University policy and/or employment agreement or contract.
 - 2.1.6. Respondent - the person/persons to whom the complaint is directed.
 - 2.1.7. Support - person includes a fellow student, staff member, friend or family member, and does not include legal representation.
 - 2.1.8. The College - Western Sydney University Enterprises Pty Limited trading as Western Sydney University The College.
 - 2.1.9. The University - Western Sydney University.
 - 2.1.10. Vexatious - refers to an action, such as the lodgement of a complaint, that lacks substance and on consideration of the available evidence is deemed to have been intentionally fabricated.

- 2.1.11. Victimisation - any form of detriment directed at a person/persons for their participation in making, supporting or resolving a complaint, whether that participation is actual, intended or presumed, or any form of detriment applied selectively and without justification.

3. POLICY STATEMENTS

- 3.1. The College English Language Programs consider effective and efficient complaint management essential to the provision of quality service and to establishing and maintaining a harmonious and productive environment.
- 3.2. The College's aim is to identify, investigate and resolve legitimate complaints using a fair, objective and confidential process that achieves resolution in a timely manner.
- 3.3. The College is committed to a complaint handling and resolution process that improves quality of its educational offerings and the overall student experience and:
- 3.3.1. gives students a voice;
 - 3.3.2. gives The College an opportunity to identify and rectify problems;
 - 3.3.3. negotiates realistic and justifiable outcomes.
- 3.4. The College will endeavour to investigate all legitimate complaints, including those lodged anonymously. While The College will accept anonymous complaints, it cannot guarantee the anonymity of complainants.
- 3.5. Where a complaint lacks sufficient information, it may be impossible or impracticable for The College to investigate the matter. This will be determined by the relevant manager handling the complaint.
- 3.6. Complainants will be advised of their right to access external avenues where complaints about The College may be heard. These avenues are documented in the Formal External Avenue section of this policy. Formal External avenues of complaints may impose a fee.
- 3.7. If the student chooses to pursue a complaint matter through external avenues whilst in the middle of an internal complaints process, then the internal complaints process will suspend until the external complaint process is concluded.
- 3.8. If The College's complaints handling and resolution processes result in a decision that supports the complainant, The College will as soon as practicable, implement any decision and/or corrective and preventative action required and advise the complainant of the outcome.
- #### **3.9. Victimisation**
- 3.10. It is a breach of this policy to victimise anyone for their use of The College's complaint handling and resolution process. The College will take necessary precautions in an endeavour to prevent victimisation from occurring, including educating supervisors and

managers of their obligations to prevent victimisation. Appropriate remedial action will be taken where victimisation occurs.

- 3.11. Any student or staff member who participates in victimisation may be considered to have committed misconduct or serious misconduct and may, where it is not appropriate to reach resolution by other means, find themselves subject to disciplinary proceedings.
- 3.12. Enactment of disciplinary proceedings against any person/persons who breach The College's policy is not of itself evidence of victimisation. Victimisation, where it does occur in these circumstances, would relate to unfair or unreasonable disciplinary action or inconsistent application of disciplinary proceedings.

3.13. Misuse of the Complaints Resolution Process

- 3.14. Making a complaint under this policy and procedure is a serious matter with potentially serious consequences for those involved. Staff or students who use this policy and procedure to make frivolous or vexatious complaints (for example, to harass someone), or who lie or deliberately mislead in connection with a complaint, may find themselves subject to disciplinary proceedings.
- 3.15. In addition to the possibility of internal disciplinary proceedings, those who misuse the College's Complaints Resolution Process should be aware that external remedies might also come in to play (e.g. civil liability/defamation claims).

4. PROCEDURES

- 4.1. Complaints may be handled and resolved through any of the following avenues:
 - 4.1.1. the Direct Informal Avenue (where the complainant addresses their complaint directly with the respondent);
 - 4.1.2. the Formal Internal Avenue (where the complaint is lodged with and investigated by The College);
 - 4.1.3. the Formal External Avenue (where the complaint is lodged with and investigated by an external organisation).
- 4.2. With the exception of serious matters, all three avenues are suitable for use in the handling and resolution of most complaints. Serious matters must be reported and handled using either the Formal Internal Avenue or the Formal External Avenue.
- 4.3. With the exception of serious matters, the complainant has the right to choose which avenue to pursue. The College strongly recommends complainants focus on selecting the avenue that is most likely to succeed in resolving the issue at the lowest practical level. The complainant should seek advice from one of the Western Sydney University's designated Complaint/Grievance Officers prior to initiating action under any avenue if they:
 - 4.3.1. are uncertain which avenue to use;
 - 4.3.2. do not understand any aspect of the process; or

4.3.3. are not sure if their complaint would be considered a serious matter.

4.4. A detailed procedure for each avenue is provided below.

4.5. Direct Informal Avenue

4.6. The Direct Informal Avenue is the preferred avenue for complaints resolution. Initial concerns are raised by the complainant with their teacher or their Education Coordinator. Following this, concerns are raised directly with the respondent in an attempt to reach a satisfactory resolution without the need to lodge a complaint through the Formal Internal or Formal External Avenues.

4.7. When making a complaint through the Direct Informal Avenue, the respondent must be advised and consent obtained to the proposed meeting, discussion and other arrangements that the complainant wishes to follow.

4.8. Each party may be accompanied by a support person at the meeting.

4.9. Formal Internal Avenue

4.10. A complaint may be lodged through the Formal Internal Avenue if:

4.10.1. the respondent has withheld permission to follow the Direct Informal Avenue; or

4.10.2. the respondent has agreed to follow the Direct Informal Avenue but the complainant and respondent have been unable to agree on the proposed meeting, discussion and other arrangements that the complainant wishes to follow; or

4.10.3. the Direct Informal Avenue has been followed but the complainant believes that the complaint remains unresolved; or

4.10.4. the complainant does not wish to follow the Direct Informal Avenue.

4.11. Complaints lodged through the Formal Internal Avenue must be handled in accordance with the following procedures:

4.11.1. the complaint is to be submitted in writing;

4.11.2. a written record of the complaint and its handling and resolution is to be kept in the student's record and under the restricted access in TRIM;

4.11.3. each complainant has an opportunity to formally present his or her case at no cost to him or herself;

4.11.4. each party may be accompanied and assisted by a support person at any relevant meetings. The complainant is given a written statement of the outcome, including details of the reasons for the outcome;

4.11.5. the process commences within 10 working days of the formal lodgement of the complaint and supporting information and all reasonable measures are taken to finalise the process as soon as practicable.

- 4.12. Complaints lodged through the Formal Internal Avenue are to be directed to the Director, English Language Centre.
- 4.13. The Director, English Language Centre, will undertake a preliminary assessment to ascertain specific details and determine whether the matter should be handled as a complaint or further explored using another procedure (e.g. Review of Grade).
- 4.14. The Director, English Language Centre may, at any point during the investigation where they deem it necessary:
 - 4.14.1. determine that the matter should be handled using another procedure and refer the complainant to the appropriate area as per clause (29), or
 - 4.14.2. determine that the complaint relates to a serious matter and refer it for Independent Internal Investigation via the Office of the CEO, or
 - 4.14.3. refer the complaint to another Case Manager for investigation for any justifiable reason (e.g. conflict of interest, efficiency, authority to act), or
 - 4.14.4. determine that there is insufficient information to allow them to investigate the complaint any further and notify the Office of the CEO
- 4.15. Where the Director, English Language Centre, decides that there is insufficient information to enable investigation of the complaint and legitimate attempts to obtain that information have failed, they must refer the matter to the Office of the CEO requesting termination of the investigation. Their submission must clearly indicate the basis for termination and the actions they have undertaken to attempt to remedy the situation. The Office of the CEO will then review the available evidence and:
 - 4.15.1. where these do not place an unreasonable burden on resources, provide advice to the Director, English Language Centre as to other mechanisms for pursuing the complaint, or
 - 4.15.2. terminate proceedings, in which case the Office of the CEO will notify the relevant parties of their decision.
- 4.16. If a complainant is not satisfied with the outcome of a complaint lodged through the Formal Internal Avenue, he/she may make a further complaint or complaints through the Formal Internal Avenue to the CEO of The College.
- 4.17. Appeals must be lodged either with the Office of the CEO within 21 days of formal notification of a determination and must specify the basis for the appeal
- 4.18. If a complainant is not satisfied with the outcome of a complaint lodged through the Formal Internal Avenue directed to the CEO, a further complaint can only be made through the Formal External Avenue.

4.19. Formal External Avenue

- 4.20. A complaint may be made through the Formal External Avenue at any time, but complainants are encouraged to attempt to resolve complaints through The College's two internal avenues first.
- 4.21. Complaints made to an external organisation through the Formal External Avenue will be handled entirely by that organisation in accordance with its own procedures.
- 4.22. External organisations who may accept complaints from College complainants include the following:
 - 4.23. for International students, the Department of Education through the ESOS Online Enquiry Form on the Australian Education International (AEI) website.
 - 4.24. Overseas Students Ombudsman.

5. GUIDELINES AND REFERENCES

5.1. Related Legislation/Policies/Procedures

- 5.2. Education Services to Overseas Students Act (2000)
- 5.3. Education Services to Overseas Students Regulations (2001)
- 5.4. National Code of Practice for Providers of Education and Training to Overseas Students 2018

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STATUS AND DETAILS

Status:	Current		
Version:	2		
Effective Date:	24 July 2020		
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Approval Authority Policy:	Western Sydney University Enterprises Board		
Endorsed by:	The English Language Committee		
Unit Responsible:	English Language Centre		
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Available On:	SharePoint	<input type="checkbox"/>	Website <input checked="" type="checkbox"/>

Summary of Changes from Previous Version

Changes to this policy include revised definitions, inclusion of ‘Victimisation’ and explanation of the various options available for students.