



Procedure for dealing with student complaints

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Short description	A procedure for the management of student concerns, complaints and grievances. To be read in conjunction with the Complaints Policy.
Relevant to	All staff and students
Responsible officer	University Secretary
Responsible office	Office of Corporate Governance
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Related University documents	Protocol for Responding to Letters of Demand Fraud, Corruption and Maladministration Policy and Reporting Procedure Charles Sturt University Enterprise Agreement 2005-2008 Charles Sturt University Handbook Academic Regulations Code of Conduct for Staff Code of Conduct for Users of Electronic Facilities Policy on Prevention of Harassment and Bullying Student General Misconduct Rule
Related legislation	<u>Charles Sturt University Act 1989</u> <u>Charles Sturt University By Laws 1995</u> <u>Education for Overseas Students Act 2001 (Clth)</u> <u>Higher Education (Amalgamations) Act 1989 (NSW)</u> <u>Privacy and Personal Information Protection Act 1998 No 133</u> <u>Protected Disclosures Act 1994 No 92</u> <u>Ombudsman Act 1974 (NSW)</u> <u>Ombudsman Regulations 1999 (NSW)</u> <u>Freedom of Information Act 1989 No 5 (NSW)</u> <u>Occupational Health and Safety Act 2000 (NSW)</u> <u>Occupational Health and Safety Regulation 2001 (NSW)</u> <u>Workplace Relations Act 1996 (Clth)</u> <u>Workplace Relations Regulations 2006 (Clth)</u> <u>Anti-Discrimination Act 1977 No 48 (NSW)</u> <u>Disability Discrimination Act 1992 (Clth)</u> <u>Racial Discrimination Act 1975 (Clth)</u> <u>Sex Discrimination Act 1984 (Clth)</u> <u>Age Discrimination Act 2004 (Clth)</u> <u>Employees Liability Act 1991 No 4 (NSW)</u> <u>Employment Protection Act 1982 No 122 (NSW)</u> <u>Workers Compensation Act 1987 No 70</u> <u>Workplace Injury Management and Workers Compensation Act 1998 No 86</u> <u>Workplace Video Surveillance Act 1998 No 52</u> <u>Workplace Relations Amendment (Workchoices) Act 2005</u>
Key words	Regulations, staff, visitor, policy, procedure, legal, complaints, grievance, mediation, bullying, discrimination, misconduct, victimization, vilification, natural justice

1. PURPOSE

The purpose of this Procedure is to establish informal and formal procedures for the handling of concerns and complaints made by students.

2. SCOPE

2.1 This Procedure applies to students of the University, including students enrolled with the University and studying with a third party course provider under an agreement with the University.

3. WHAT IS A CONCERN OR COMPLAINT?

3.1 A **concern or complaint** is a clear communication, oral or written, by a student or students of a concern, dispute or complaint, including those involving:

- 3.1.1 the provision by the University of a program of study or related student service;
- 3.1.2 the conduct of another student or students of the University;
- 3.1.3 the conduct of a member of staff of the University;
- 3.1.4 people external to the University with whom students interact as part of an approved external program of study such as work experience, industrial or clinical placements, exchanges or work-based learning units;
- 3.1.5 the interpretation and application of any policies or procedures governing a program of study or students;
- 3.1.6 a health or safety issue; and
- 3.1.7 an allegation of discrimination, harassment, bullying or vilification.

3.2 Students may make a complaint about any matter which relates to their program of study at the University, even if the incident which is the basis of the complaint did not occur on campus. The scope of this policy includes incidents arising from field trips, external placements, exchanges, official University social functions and off-shore or distance education courses.

4. OTHER DEFINITIONS

4.1 In this Policy **misconduct** has the same meaning as set out in the "Student General Misconduct Rule".

5. CERTAIN COMPLAINTS EXCLUDED FROM THIS PROCEDURE

5.1 This procedure does not apply to the following:

- 5.1.1 disagreements about the academic assessment of work which shall be dealt with under the academic regulations relating to student appeals;
- 5.1.2 matters arising under the "Academic Misconduct Rule";
- 5.1.3 a disciplinary decision of the University;
- 5.1.4 a decision by the University with respect to a freedom of information application, which shall be dealt with under the provisions of the "Freedom of Information Act" and associated procedures;

- 5.1.5 a concern regarding corruption, maladministration, fraud or waste, which shall be dealt with under the provisions of the “Reporting Procedures for Fraud, Maladministration and Corruption”;
 - 5.1.6 a concern arising from a final decision that is subject of review or appeal under a Rule, policy or procedure of the University;
 - 5.1.7 a concern that amounts to misconduct under the “Student General Misconduct Rule”;
 - 5.1.8 any other concern falling under a Rule, policy or procedure for which an appeal or complaints procedure is prescribed.
- 5.2 Feedback from students about the administrative and academic programs and services offered by the University will not normally be viewed as a complaint unless specific action is requested by the student.

6. ANONYMOUS COMPLAINTS

- 6.1 The University will generally not act on anonymous complaints unless the issues raised are serious and sufficient information is provided to substantiate the allegations.
- 6.2 Where an anonymous complaint involves allegations of corruption, maladministration or serious waste of public money, the manager or supervisor receiving the complaint should immediately refer the matter to the University Auditor under the University’s internal reporting policy.
- 6.3 Anonymous complaints alleging child abuse or other serious criminal conduct shall be referred immediately to the University Ombudsman.

7. INFORMAL PROCEDURE

- 7.1 Students are encouraged to raise their concerns in the first instance directly with the person concerned. This is appropriate in matters where the student feels comfortable with making a direct approach, or where the concern does not relate to allegations of misconduct or unlawful behaviour (e.g. assault, illegal discrimination or harassment, or corruption).
- 7.2 While the approach outlined below is informal, concerns or complaints raised in this manner will be taken seriously and where practical and appropriate, attempts will be made to resolve the issue or give advice on available options.
- 7.3 The informal procedure involves the following steps:
 - 7.3.1 **Step 1. If you can, try to sort it out directly with the person(s) involved.**
If possible tell the person(s) the substance of the problem. For example, where the matter relates to interpersonal issues, tell the person you find their behaviour unacceptable or offensive. Often, people don’t mean to do things that hurt or offend others; this does not mean their behaviour is acceptable. Telling them can give them a chance to stop or to change what they are doing.
 - 7.3.2 **Step 2. Raise concern informally with manager of area**
If you are not comfortable raising the concern directly with the person(s) involved, or where it is not appropriate, e.g. because it involves

threatening behaviour, students can raise their concerns with an appropriate manager or other person in authority at CSU.

In general:

- a) in a faculty the appropriate manager may be a Course Coordinator, the Head of School, Faculty Executive Officer or Dean (when other resolution options have failed);
- b) if the concerns relate to an administrative area the manager of the particular area would normally be the Executive Director or Director of the area. In the case of a large unit, for example the Library, the concern should be raised with the most senior officer in the Campus Library;
- c) if the concerns relate to postgraduate studies, the appropriate manager may be the Dean of the Faculty or the Pro Vice-Chancellor (Research and Graduate Training);
- d) if the concern relates to corruption, maladministration, fraud or waste within the University, or by a member of staff, the concern should be raised with the University Auditor or University Ombudsman or other officer as noted under the provisions of the "Reporting Procedures for Fraud, Maladministration and Corruption"
- e) if the concern is about a staff member, the complaint should be made to a manager/person in authority in the faculty or administrative unit in which the matter which led to the complaint occurred;
- f) if the concern is about another student, the concern should be raised with a manager/person in authority in the Faculty in which the matter which led to the complaint occurred or through the Division of Student Services;
- g) if the concern relates to behaviour by a person external to the University with whom the student is interacting in the course of an approved external program of study (e.g. incidents arising from field trips, external placements, exchanges, etc.), the concern should be raised with a manager/person in authority in the Faculty or unit coordinating the program;
- h) if the concern relates to University residential accommodation, the concerns should be raised with the Residential Advisor or Manager, Residences;
- i) if the concern relates to a Student Representative Committee or Student Representative Council, the concern should be raised with the President of the Student Representative Council in the first instance or the Executive Director, Student Services. If the student is not satisfied with the outcome, a complaint can be lodged with the Dispute Resolution Panel established to deal with concerns regarding the Student Representative Committees and Student Representative Council;

- j) if the concern relates to a company or association operated by the university, or other associated bodies e.g. child care centre, Western Research Institute, Charles Sturt Foundation, the concern should be raised with Chief Executive Officer or company secretary or similar officer. If the student is not satisfied with the outcome, complaints relating to bodies associated with the University can at that stage be made to the University Secretary (although the University does not always have any authority to investigate related bodies or to make enforceable findings);
- k) if the concern relates to Charles Sturt University in Ontario the concern should be raised in the same way as provided above;
- l) if the concern relates to a third party course provider (for example, HELP Malaysia, the Economic and Finance Institute of Cambodia etc), the concern should be raised with the Director of the institution (where appropriate using any local procedures applicable in that organisation).

7.3.3 **Step 3. Seek Assistance**

(a) For student enrolled with CSU in Australia directly

Where students require assistance in raising a concern, or do not feel comfortable raising the concern directly with the relevant person(s) or area, the matter may be raised with the Student Services Help Desk in the Division of Student Services. The Division of Student Services can assist students by providing advice on appropriate approaches or by raising the concerns on behalf of the student with the area concerned and attempt to identify and explore available options.

(b) For students enrolled through a third party provider in Australia or overseas

Where the concern is about a third party course provider, the concern should be raised with the University's Office of International Relations which can assist students by providing advice on appropriate approaches or by raising the concerns on behalf of the student with the area concerned and attempt to identify and explore available options.

7.3.4 **Step 4. Facilitating a Mutual Understanding**

Where the concern is raised with a manager, the Division of Student Services or Office of International Relations, the manager or officer responsible for handling the matter will attempt to facilitate a mutual understanding to resolve the problem.

(a) Next Step if the student is enrolled with CSU in Australia directly

If the concern is not resolved at this stage, those involved may agree to proceed either to the formal procedure, or to participate in formal mediation in order to facilitate a mutual understanding. If mediation is unsuccessful, the person who raised the concern can request the use of formal procedures. As a guide, every effort should be made to resolve the concern raised through the informal procedures within two (2) weeks.

(b) For students enrolled through a third party provider in Australia or overseas

If the concern is not resolved at this stage, the student will be advised to lodge a complaint using the formal procedure. As a guide, every effort should be made to resolve the concern raised through the informal procedures within two (2) weeks.

8. FORMAL PROCEDURE

8.1 In general, commencement of the formal procedure should only take place if the concern could not be resolved using the informal procedure.

8.2 The formal procedure involves the following steps:

8.2.1 Step 1: Lodge formal complaint

The student should lodge a formal complaint with the University Ombudsman in writing using the Student Complaint Form. The complaint must set out the substance of the concern and the outcome the student is seeking. Where the concern relates to a named person or persons, for reasons of procedural fairness, it will be necessary to identify the person by name.

Step 2: Referral

The University Ombudsman will refer the formal complaint to an appropriate manager in the University. This will be an officer who is generally responsible for the oversight of the area concerned. For students enrolled through a third party provider in Australia or overseas, this will generally be the University's Office of International Relations or a Dean or Head of School.

The manager to whom the matter is referred will hold a meeting with the student (in person or on the telephone) or contact the student by email and, at their request, a support person. This meeting is to be held where practicable within 5 working days of referral of the formal complaint about the concern.

If an informal attempt to facilitate a mutual understanding has not been made, such an approach may be suggested at this stage. This will only happen if the student making the complaint, and the other parties who need to be involved, agree to follow the informal procedures.

For students enrolled through a third party course provider in Australia or overseas, the manager will consider the practicality of conducting a telephone-based mediation if the parties agree.

8.2.2 Step 3: Investigation

If mediation is not successful, or not appropriate, the manager will, with the agreement of the person who raised the concern and within 2 weeks, investigate the matter.

The Investigation will generally involve:

- (a) providing a copy of the Student Complaint Form to the respondent(s) (if the concern is about a named person or persons);
- (b) requesting the respondent(s) to provide a formal written response;

- (c) formally interviewing or obtaining statements from people who can help to ascertain the facts;
- (d) obtaining documentation that is necessary.

If the complaint concerns a policy or procedure, for example, the investigation may consist of the manager writing to the officer responsible for the policy or procedure setting out the concerns and seeking a response.

8.2.3 **Step 4: Making recommendations**

If, after completing the investigation (including any meeting or mediation), the complaint is not resolved, the manager will write to each of the relevant parties involved setting out the findings and putting forward recommendations for resolution of the matter.

The recommendations will be in keeping with the seriousness of the matter that was the basis of the complaint. Some of the possible outcomes of a student complaint include:

- a) through the resolution process the student gains a better understanding of the situation so that his/her concerns are addressed;
- b) one or more of the parties are directed to take certain action that the manager views as appropriate for resolution of the concerns;
- c) the student receives an apology from the University or those involved, and/or the issue or behaviour that was the basis of their complaint is modified;
- d) if the matter is serious, and the manager is satisfied that the conduct complained about amounts to misconduct, the matter may be referred for disciplinary action. Formal warnings about inappropriate behaviour are a common outcome in the first instance, unless the behaviour is of a very serious nature (for example, involving violence, repeated incidents of inappropriate behaviour or serious breaches of the student misconduct rule or student charter). The most serious breaches may result in suspension or expulsion.

Unless the matter is referred for disciplinary action, the recommendations for resolution shall be discussed with all those involved, and the people involved provided an opportunity to provide comments or objections to the findings and recommendations, normally within 5 days. In general these should be in writing. Any comments and objections received by the due date will be noted and taken into account by the person examining the complaint in making a final decision on the matter.

8.2.4 **Step 5: Final Decision**

After considering any comments or objections by those involved, the manager will make a final decision on the complaint, including any actions that are required to be taken to resolve the complaint by those involved. The decision will be communicated in writing to those involved (including a statement about the right of each party to seek an internal review), and a copy will be sent to the University Ombudsman.

A decision by a manager communicated to staff and/or students constitutes a directive to the relevant staff or students involved in the matter. A failure to follow a direction may constitute misconduct and be pursued as a disciplinary matter at a later time.

8.2.5 Step 6: Monitoring and Evaluation

If the recommendations are accepted by the parties involved as resolving the complaint, the parties will continue to monitor the environment under which the complaint occurred to ensure responses are adopted appropriately. Feedback on the process will be sought from the parties to identify where any improvements can be made.

9. GENERAL PROCEDURES

9.1 Misconduct

Where at any time during the handling of a student concern it appears to an officer involved in the handling of the concern that the matter may involve misconduct, the matter must be referred to the Head of Campus for investigation.

9.2 Corruption, maladministration or waste

If the matter involves any form of corrupt conduct, maladministration or waste, the officer handling the matter must seek advice from the University Auditor. If the concerns appear to raise substantive issues, the complaint must be dealt with under the University's policies on internal reporting.

9.3 Criminal conduct

If a matter involves evidence of criminal conduct, the University may refer the matter to the Police or an appropriate agency. Where the University receives evidence of matters that must be reported under mandatory reporting obligations such as child protection laws, the manager or supervisor receiving the complaint will immediately report such matters in accordance with the University's legislative obligations. Staff should consult with the University Solicitor or University Ombudsman on allegations of this type.

9.4 Victimisation

Any person handling a complaint should be aware of the possibility of subsequent victimisation of any of the parties. Fear of victimisation prevents many people from lodging a complaint in the first instance. All efforts should be taken to ensure that victimisation does not occur. Victimisation may be dealt with under the EA or Student General Misconduct processes.

9.5 Counter-claims

A complaint may lead to counter allegations from the responding party. It is important that the initial complaint should be considered and resolution sought on the matter in its own right. This does not preclude both the original complaint and the subsequent complaint from the respondent(s) being considered together.

9.6 Support Person

At any stage of the procedure a staff member may be assisted by a support person, who may be a friend, family member, carer or other person. A support person may not be a barrister, solicitor or other legally trained person.

9.7 Equity-related complaints

An equity-related complaint is when a student believes they are being discriminated against or harassed in university life because of their gender (including pregnancy), sexual orientation, transgender status, race, colour, ethnic or ethno-religious background, descent or national identity, marital status, family responsibilities,

disability, age, political conviction or religious belief. Because of the complex issues sometimes involved in identifying some forms of indirect discrimination and harassment, managers handling equity-related complaints or complaints with a significant equity dimension are strongly advised to consult the Manager Equal Opportunity in the Division of Human Resources and to request advice and assistance on legislation and policy requirements. In general, managers will continue to handle the complaint with advice and assistance from the Manager Equal Opportunities. Because of the sensitive nature of some equity-related complaints, managers should be aware that some complaint resolution options may not be appropriate, e.g. mediation of discrimination / harassment complaints.

Table of amendments

Version number	Date	Short description of amendment