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## Applicable governance principles

Instrument	Section	Principles
2.2 <a href="#">Student Complaints Policy</a>	Student complaints	1.1 – 1.9
Higher Education Standards Framework 2015	(Standard 2.4.1-2.4.5)	

## Purpose

The University is committed to providing a safe and supportive environment for University community members to raise complaints regarding aspects of University life.

This procedure outlines the steps to be taken by students of the University who wish to make complaints about academic or administrative matters, University premises and facilities or student services provided by the University; and by the University in responding to such complaints.

It also sets out the rights and responsibilities of persons involved in the complaint resolution process.

## Procedure

### 1 Types of complaints

#### 1.1 Complaints

- (a) A complaint is defined as a matter of issue or grievance and where the complainant (person making the complaint) is seeking a resolution or outcome (ie, requiring the University to take action).
- (b) This procedure applies to students who have a complaint in relation to:
  - (i) general university matters;
  - (ii) student support services;
  - (iii) University premises or facilities;
  - (iv) or any general matter not covered by an existing University procedure.

- (c) Students may only have a complaint dealt with under this procedure if they are personally affected by the subject matter of the complaint. Where special circumstances prevent a student from making a complaint, they will be permitted to nominate a student representative.

## 1.2 Excluded complaints

- (a) This Student Complaints Procedure does not apply to complaints relating to:
  - (i) decisions regarding academic assessment, results and progression (students should refer to [Student Participation and Attainment Ordinance](#))
  - (ii) inappropriate behaviour (students should refer to [Behaviour Procedure](#))
  - (iii) a breach of privacy (students should refer to [7.1 Data and Information Governance Policy](#))
  - (iv) research matters (students should refer to [Managing Allegations of Research Misconduct Procedure](#))
  - (v) matters relating to corruption and maladministration of University staff (students should follow the process set out in the [Public Interest Disclosure Procedure](#)).
- (b) Complaints in respect to outcomes that arise from a decision for which a review or appeal process is prescribed, and has been exhausted, are excluded from making a complaint under this procedure. Students can refer such complaints to an external agency.

## 1.3 Anonymous complaints

Anonymous complaints will be accepted by the University, however the ability to fully investigate the matter and/or provide a relevant outcome may be limited.

## 1.4 Group complaints

The University will accept group complaints where there is a common issue or grievance. In this case:

- (i) one student needs to be nominated as the single point of contact;
- (ii) a single decision in relation to the complaint will be applied; and
- (iii) if in the University's opinion circumstances change or it is more appropriate to do so, the complaint may be continued as an individual complaint.

## 1.5 Withdrawing a complaint

Students may withdraw their complaint at any stage during the complaint process and the matter will be deemed to be resolved. This notification must be made in writing to SaFCU or the appropriate person. Notwithstanding this right to withdraw a complaint, the University reserves the right to continue to investigate a complaint if required to do so to satisfy other requirements or protect its own interests.

## 1.6 Advice and Advocacy

Students can discuss their circumstances prior to making a complaint with SaFCU or a TUU Advocate, who can advise on the most appropriate procedure or resolution pathway.

## 2 Making and resolving a complaint

### 2.1 Informal resolution

- (a) Students are encouraged to first raise their complaint directly with the person or area related to the matter of concern. This may be done in person or by email and should be done promptly after the event or matter has occurred.
- (b) Students can seek assistance to resolve complaints at this stage by contacting [SaFCU](#) or a [TUU Advocate](#).
- (c) If the matter has been resolved satisfactorily and the agreed actions implemented, no further action is required and the matter is considered closed.

### 2.2 Making a complaint

- (a) Where a complaint has not been resolved informally or it is not appropriate to do so, students can make a formal complaint by contacting SaFCU and making an [online report](#).
- (b) If any other person or area of the University receives a formal complaint from a student, they will refer the complaint to SaFCU.
- (c) Complaints must be made within 12 months from the time the matter or issue arose. Where that is not possible, a SaFCU Officer may accept the complaint taking into consideration the following:
  - (i) it is just and fair to deal with the complaint having regard to the reasons for the delay;
  - (ii) the delay does not preclude the University's ability to investigate the issues raised in the complaint;
  - (iii) the complaint raises serious or systemic issue/s of concern; and
  - (iv) it is in the interests of the University to deal with the complaint.

### 2.3 Preliminary assessment

- (a) Upon receiving a complaint, within 2 working days a SaFCU Officer will acknowledge it and provide information on the next steps, including available support and advocacy services.
- (b) Within 10 working days of receiving the complaint, a SaFCU Officer will undertake a preliminary assessment. This assessment will include (as appropriate):
  - (i) confirming that the complaint can progress under this procedure and if not, refer it to the relevant area or person within the University (as outlined in section 1.2);
  - (ii) determining whether the matter is able to be resolved informally and assisting the student to do so;

- (iii) collating and reviewing any relevant documents, and seeking additional information or clarification from the student if required;
  - (iv) declining to progress the complaint (in accordance with section 2.3(c));
  - (v) referring the complaint to an appropriate person (in accordance with section 2.4).
- (c) A SaFCU Officer may decline to progress a complaint in certain circumstances. These circumstances include the following:
- (i) the student has provided insufficient detail or evidence of the issue to enable the matter to be properly considered. This insufficiency may include those complaints that are made anonymously, or where the student does not provide information within a reasonable timeframe.
  - (ii) the complaint is considered to be frivolous, vexatious, or malicious; or
  - (iii) the complaint or matters involved in the complaint have been appropriately addressed or resolved by the University and do not warrant further action.
- (d) A SaFCU Officer is delegated to decline to progress a complaint. In this case, the student will be advised in writing including the reasons for that determination. A decision to decline is final, although students may refer their complaint to an external agency.

## **2.4 Investigation and resolution of complaint**

- (a) Where a complaint warrants investigation, a SaFCU Officer will refer the matter to an appropriate person and inform the student in writing.
- (b) The role of the appropriate person is to:
- (i) consider the complaint and available information and evidence and gather or seek additional information as required;
  - (ii) meet with the student to discuss the complaint and options for its resolution;
  - (iii) seek advice and counsel from a SaFCU Officer or other University staff who may assist;
  - (iv) keep the student informed as to the progress of the complaint;
  - (v) prior to issuing a decision, provide the student with a summary of the information gathered as part of the complaint, including possible outcomes. The student will be provided with a minimum of 5 working days to respond to the appropriate person.
  - (vi) issue a written decision to the student, in accordance with section 2.4(d) and (e).
- (d) The appropriate person will normally provide a decision to the student within 30 days of receiving the complaint. In more complex matters, this period may be longer. The student will be kept informed when, and for how long timeframes will be extended. Any subsequent extension will also be communicated to the student.
- (e) The written decision will detail the outcome of the complaint and the reasons for the decision. Appeal options will also be provided.

## 2.5 Appeals

- (a) If a student remains dissatisfied with the outcome of their complaint, they may seek to appeal the decision on certain grounds. The University will not accept appeal requests from the complainant based solely on their disagreement with the outcome of the complaint.
- (b) The grounds on which an appeal will be considered are as follows:
  - (i) there is relevant evidence that the student did not have at the time of making the complaint (and which could not by reasonable diligence have been obtained at that time), and this evidence would be reasonably expected to have affected the complaint outcome; and
  - (ii) there has been a material procedural error (for example a failure to provide procedural fairness) and this would be reasonably expected to have affected the outcome of the complaint.
- (c) Appeal requests must be sent to SaFCU within 10 working days of receiving the decision, setting out the grounds for appeal and including any supporting evidence. Appeal requests will be accepted outside the timeframe only in exceptional circumstances.
- (d) Within 5 working days of receiving an appeal request, a SaFCU Officer will consider the appeal request, and either:
  - (i) accept the request and refer the appeal to an appropriate person for consideration in accordance with section 2.5(e); or
  - (ii) in cases where a request does not meet the grounds for appeal, inform the student in writing of the reasons for the refusal, and refer the student to an external agency, as appropriate.
- (e) Upon receipt of an appeal, the appropriate person will consider all relevant information and evidence, including meeting with the student to discuss the complaint outcome and appeal request, and any other relevant person involved in the complaint process if deemed necessary.
- (f) Where possible, the appeal will be concluded within 10 working days. If this is not possible, the student will be kept informed as to expected timeframes.
- (g) The decision of the appeal will be issued in writing and will include reasons as to why the decision is to be upheld or why a different outcome will apply.
- (h) Should a student continue to be dissatisfied with the outcome of their complaint, they may refer the matter to an external agency.

## 3 General matters

### 3.1 Student support and advocacy

- (a) Prior to making a complaint under this procedure, students are encouraged to consult with SaFCU or an independent [TUU Advocate](#) for advice and assistance.
- (b) Students may also be supported by a TUU Advocate or other nominated party (other than a legal representative) in the resolution of their complaint, including attendance at any meetings.

### 3.2 Confidentiality and record keeping

- (a) Student complaints are confidential and will only be disclosed to those persons who are involved in the process of resolving the complaint, or as otherwise required by law.
- (b) All records and information generated during the complaint process are stored confidentially in the University's relevant system.

### 3.3 Behaviour and conflicts of interest

- (a) All parties involved in the complaint process must conduct themselves at all times in accordance with the expectations set out in the *University Behaviour Policy*. Inappropriate behaviour during a complaint process, such as the use of disrespectful language or making unreasonable demands will be cautioned and/or referred for consideration in accordance with the provisions set out in the *University Behaviour Procedure*. This response includes those complaints which are alleged to be vexatious or malicious.
- (b) The University will ensure that staff involved in a complaint process manage any conflicts of interest appropriately.

### 3.4 Reporting and continuous improvement

- (a) SaFCU will regularly monitor and analyse student complaints and seek to refer promptly those matters which require attention.
- (b) Periodic de-identified reports may also be prepared to help inform the University of systemic issues or matters that require improvement or change in policy or practice.

## Versioning

<i>Versions</i>	<i>Item No</i>	<i>Action</i>	<i>Approval Authority</i>	<i>Responsible Officer/s</i>	<i>Approval Date</i>
1		Approved	Provost	Director SaFCU	21 Sept 2020

## Definitions

[Student](#) | [appropriate person](#) | [SaFCU](#) | [SaFCU Officer](#) | [external agency](#)