

# Student Complaints Procedure

Version 3 – Reconfirmed 8 August 2023

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## 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 University of Tasmania students 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 people involved in the process of resolving those complaints.

## Applicable governance instruments

| Instrument   | Section              | Principles |
|--|----------------------|------------|
| <a href="#">Student Complaints Policy</a>  | Student complaints   | 1.1 – 1.9  |
| <a href="#">Higher Education Standards Framework (Threshold Standards), 2021 Cth</a> | Standard 2.4.1-2.4.5 |            |

## Procedure

### 1. Types of complaints

#### 1.1. Complaints

- a) A complaint is defined as an issue or grievance where the person making the complaint is seeking a resolution or outcome that requires the University to take investigative 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.

Definitions and acronyms can be found at: <https://www.utas.edu.au/policy/policy-definitions>

Related policy and procedures can be found at: <https://www.utas.edu.au/policy>

- c) Students must be personally affected by the subject matter of the complaint in order to use this procedure to have the complaint resolved. If special circumstances (which could include physical or mental health, or psychological barriers) prevent a student from making a complaint themselves, they will be able to nominate a representative to make the complaint on their behalf.

#### 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 the [Student Participation and Attainment Ordinance](#) and [Reviews and Appeals of Academic Decisions Procedure](#));
  - ii. inappropriate behaviour (students should refer to the [Behaviour Procedure](#));
  - iii. a breach of privacy (students should refer to the [Data and Information Governance Policy](#));
  - iv. research matters (students should refer to the [Research Integrity Complaints Procedure](#)); or
  - v. matters relating to corruption and maladministration of University staff (students should follow the process set out in the [Public Interest Disclosure Procedure](#)).
- b) Where a complaint relates to a decision or outcome which has exhausted all internal University processes and appeals, a complaint cannot be made under this procedure. Students can refer such complaints to an external agency, for example, the Tasmanian Ombudsman.

#### 1.3. Anonymous complaints

Anonymous complaints will be accepted by the University, however, the University's ability to fully investigate the complaint 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 write to the Safe and Fair Community Unit (SaFCU), or the appropriate person who is considering the complaint, at any stage during the process to withdraw their complaint and the complaint will be regarded as resolved. The University reserves the right to continue to investigate a complaint if required to do so to satisfy other requirements relating to student experience, safety or wellbeing.

#### 1.6. Advice and advocacy

Before making a complaint, students can discuss their circumstances with SaFCU or a Tasmanian University Student Association (TUSA) Advocate, who can advise on the most appropriate way to proceed.

## 2. Making and resolving a complaint

### 2.1. Informal resolution

- a) Wherever possible, and if appropriate, 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 help to resolve complaints at this stage by contacting [SaFCU](#) or a [TUSA Advocate](#).
- c) If the matter has been resolved satisfactorily and the agreed actions implemented, no further action is needed and the matter is considered closed.
- d) The majority of concerns raised by students are resolved without a formal process, and mediation or other informal mechanisms may be used to assist in this process. These steps will take place after discussion with the student and only when appropriate.

### 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 making an [online report to SaFCU](#) or contacting SaFCU and asking for help to do so.
- 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 after considering if:
  - i. it is just and fair to deal with the complaint given the reasons for the delay;
  - ii. the delay does not prevent the University from investigating 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) Within 2 working days of receiving a complaint, a SaFCU Officer will acknowledge it and provide information to the student 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). The relevant SaFCU officer will generally communicate with the student before making an external referral to ensure that the student consents to the disclosure of their complaint to a different area of the University;
  - 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 not progress a complaint in certain circumstances. These circumstances include but are not limited to:
  - i. the student has provided insufficient detail or evidence of the issue to enable the complaint 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 justify further action.
- d) If a SaFCU Officer decides not to progress a complaint, the student will be advised in writing including the reasons for that decision. A decision not to progress a complaint is final, although students may refer their complaint to an external agency, for example, the Tasmanian Ombudsman.

#### 2.4. Investigation and resolution of a complaint

- a) Where, following preliminary assessment, a complaint is to be investigated, a SaFCU Officer will refer it to an appropriate person and inform the student in writing.  
  
The appropriate person is a person identified by SaFCU who is best placed to consider and resolve the complaint, based on the matter of concern, for example, academic complaints may be referred to a Unit Coordinator or Head of Discipline, as appropriate. Administrative complaints may be referred to the Manager or Director of that service or area.
- 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 resolving it;
  - 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. before making 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. provide a written decision to the student, in accordance with section 2.4 (d).
- c) The appropriate person will normally provide a decision to the student within 30 days of receiving the complaint. More complex matters may take longer. The student will be kept informed when, and for how long, timeframes will be extended. The student will also be informed of any further extension.
- d) The written decision will detail the outcome of the complaint and the reasons for the decision. Options for appealing the decision 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.
- b) The only grounds on which an appeal will be considered are if:
  - i. there is relevant evidence that the student did not have at the time of making the complaint (for example, evidence which was not available to the student, nor could reasonably be expected to have been obtained at that time), and this evidence could reasonably be expected to have affected the complaint outcome; and/or

- ii. there has been a material procedural error (for example, a failure to provide procedural fairness) and this could be reasonably expected to have affected the outcome of the complaint.

The University will not accept appeal requests from the student based solely on the fact that they disagree with the outcome of the complaint.

- c) Appeal requests must be sent to SaFCU within 10 working days of the student receiving the decision, stating the grounds for appeal and including any supporting evidence. Appeal requests will be accepted outside the timeframe only in exceptional circumstances.
- d) In exceptional circumstances, students can apply for an extension to the appeal period. This should be done in writing, outlining the reasons why an extension is requested. This will be considered by a SaFCU Officer who will provide a response in writing within 5 working days of SaFCU receiving the request for an extension.
- e) 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; 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
  - iii. refer the student to an external agency, as appropriate.

The appropriate person will be a person not involved in the complaint previously, and generally based on the 'one up principle', for example, an academic complaint on appeal may be referred to a Head of School or Executive Dean.

- f) When the appropriate person receives the appeal, they 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.
- g) Where possible, consideration of the appeal will be completed within 10 working days. If this is not possible, the student will be kept informed as to expected timeframes.
- h) The student will be notified in writing of the decision of the appeal, the reasons as to why the decision is to be upheld or why a different outcome will apply.
- i) If a student continues to be dissatisfied with the outcome of their complaint, they may refer the matter to an external agency, for example, the Tasmanian Ombudsman.

### 3. General matters

#### 3.1. Student support and advocacy

- a) Before making a complaint under this procedure, students are encouraged to consult with SaFCU or an independent [TUSA Advocate](#) for help and advice.
- b) Students may also be supported by a TUSA Advocate or other nominated person (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 people 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 relevant University system.

## 3.3. Behaviour and conflicts of interest

- a) People involved in the complaint process must conduct themselves at all times in accordance with the expectations set out in the University's *Behaviour Policy*. Inappropriate behaviour during a complaint process may be managed in accordance with the University's *Behaviour Procedure*.
- 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.

## Related procedures

[Behaviour Procedure](#)

[Research Integrity and Complaints Procedure](#)

[Public Interest Disclosure Procedure](#)

## Versions

| <a href="#">Version</a> | Action                 | Approved by                               | Business Owner                         | Approval Date |
|-------------------------|------------------------|---|--|---------------|
| 1                       | Approved               | Provost                                   | Director, Safe and Fair Community Unit | 21 Sept 2020  |
| 2                       | Approved               | Provost                                   | Director, Safe and Fair Community Unit | 6 April 2022  |
| 3                       | Approved               | Deputy Vice-Chancellor (Academic)         | Director, Safe and Fair Community Unit | 9 August 2022 |
| 3                       | Reconfirmed, unchanged | Pro Vice-Chancellor (Academic Excellence) | Director, Safe and Fair Community Unit | 8 August 2023 |

## Definitions

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