Complaints Policy - Students and Members of the Public

Section 1 - Purpose and Scope

(1) It is critical to the interests of the University that the substance of any complaint is dealt with in a timely and appropriate manner in accordance with this Policy.

(2) Students and members of the public may lodge a complaint at no cost.

Purpose

(3) This Policy:

a. sets out a process to promote the timely and fair resolution of concerns or complaints raised by students or members of the public about the University or any services offered by the University or its staff;
b. supports provisions for freedom of speech, academic freedom and natural justice when receiving and responding to complaints; and
c. supports compliance with the Higher Education Standards Framework (Threshold Standards) 2021 and Standard 10 of the National Code (2018).

Scope

(4) This Policy applies to all students of the University and members of the public who have a concern or complaint about the University, its partners or agents, or any services offered by the University or its staff that is not addressed in another rule, policy or procedure of the University.

(5) This Policy does not apply to complaints relating to harassment, bullying or discrimination by an employee of the University. These are to be managed in accordance with the Complaint Policy - Staff.

(6) For assistance in determining where to direct your complaint, refer to the Complaints Management Framework webpage or contact the CAO.

Section 2 - Definitions

(7) For the purpose of this Policy:

a. Complainant: The student(s) or member(s) of the public notifying a complaint.
b. Complaint: A complaint is an expression of dissatisfaction about the University; services offered by the University or its staff; or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.
c. Complaints Assistance Officer (CAO): the nominated member of staff responsible for the administration of complaints under this Policy. All formal complaints made under this Policy must be lodged with the CAO who will determine who the complaint is to be referred to under the formal procedure. The CAO does not decide

complaints. The CAO will be responsible for recording and tracking all complaints under this Policy on a confidential and securely stored University Complaints Register. The CAO is also a source of advice available for all parties involved in an investigation of a complaint and can be contacted at any stage during the complaints process for advice or assistance by emailing complaints@scu.edu.au.

d. Nominated Complaints Officer: A Nominated Complaints Officer (NCO), is a member of staff appointed by the delegated University Officer to investigate a formal complaint made under this policy. The NCO does not have the delegated authority to decide to investigate a particular complaint or to make a final determination in regard to a particular complaint such as whether the complaint is dismissed or upheld. Instead, the NCO must refer those aspects of the complaint to the relevant delegated University Officer for the determination.
e. Respondent: The University or its nominated representative.
f. Student: a student is any person who is currently enrolled as a student of the University, or who was enrolled as a student of the University within the 12-month period prior to the date the complaint was made.
g. University Officer: The University Officer is the relevant member of staff responsible for having the ultimate decision-making power in the complaints handling process including the final determination in relation to a particular complaint. The normal practice will be for an Executive Member of the University to be deemed the delegated University Officer for a particular complaint.

Section 3 - Policy Content and Implementation

Content and Implementation

(8) The University recognises the important role of feedback from students and members of the public to promote a healthy, safe and productive environment which engages with the local community. Complaints are an important part of that feedback, and help the University to identify and implement preventative strategies to minimise recurrent or systemic problems.

(9) To that end, the University will make relevant inquiries and try to resolve all complaints in a fair, impartial and timely fashion. The University takes all complaints seriously, and will ensure that complainants do not suffer any disadvantage or recrimination because they make a complaint.

(10) Anyone who makes a complaint is expected to observe the processes in place for their complaint and to behave in a courteous and reasonable manner towards University staff who investigate or decide those complaints.

(11) If the outcome of the complaints process results in a decision or recommendation in favour of the complainant, the University will immediately implement the decision or recommendation and take the preventative or corrective action required by the decision, and advise the complainant of that action.

Section 4 - Procedures

Part A - Informal Complaints

(12) An informal complaint can be made to any member of University staff either verbally or in writing. It is not dealt with through the formal process. Informal complaints involve discussion between relevant parties towards an outcome focused resolution.

(13) Any student or member of the public may make an informal complaint at any time. Many problems can be resolved informally and complainants are encouraged to try to resolve the issue directly with the person concerned. Alternatively, an informal complaint can be made through the appropriate member of University staff at the local level such as a Supervisor, Executive Dean or College Dean. Advice can also be sought from the CAO on the most

appropriate contact.

(14) The University expects any staff member contacted about a complaint to provide the complainant with information about how to pursue the complaint, including referral to an appropriate contact or information on the University's complaints webpage about pursuing their complaint.

(15) Staff members who receive a complaint are encouraged to resolve complaints as quickly and informally as possible, normally within 20 working days of the complaint being raised. Where the complaint cannot be resolved in this timeframe, the CAO must be informed and the complaint may be referred to the formal process.

(16) If a student or member of the public is dissatisfied with the outcome of an informal complaint, they may lodge a formal complaint.

Part B - Formal Complaints

(17) A formal complaint is a written complaint lodged with the CAO, by email to complaints@scu.edu.au or the secure online complaints form on the University's complaints webpage which is dealt with through a formal process of the University as described at Part I.

(18) Any student or member of the public can make a formal complaint at any time, including if they are dissatisfied with the outcome of any informal complaint already made after receiving notification of the outcome of that informal complaint.

(19) A formal complaint must be lodged in writing (letter, email or online form) with the CAO. The written complaint must contain sufficient information necessary for the complaint to be assessed. All available information including a brief description of what the complaint is about, how it arose, who is involved, what (if any) steps have been taken to resolve the complaint and what outcome the complainant is seeking, should be lodged at the outset, along with any supporting documentation. In cases where no formal complaint has been received, the delegated University Officer may decide that an investigation is warranted, in which case the CAO will initiate the formal complaints process.

(20) Complaints may be referred by the University Officer to be dealt with under alternative University rules, policies or procedures, or by an external party appointed by the University to investigate. The decision to investigate will be at the discretion of the delegated University Officer under the respective rule, policy or procedure. Where appropriate, mediation or conciliation may be offered as a means of resolving the dispute.

Part C - Anonymous Complaints

(21) Anonymous complaints and feedback can be submitted through the Complaints form on the website by selecting the 'I wish to remain anonymous' option. Anonymous complaints will be accepted, reviewed and investigated to the extent possible, but only where sufficient information has been provided. The anonymous complaint and outcome will be recorded in the University's Complaints Register.

Part D - Frivolous or Vexatious Complaints

(22) Frivolous or vexatious complaints or complaints without substance will not be accepted. Students making vexatious complaints may be subject to an action under the Student Academic and Non-Academic Misconduct Rules.

Part E - Withdrawal of a Complaint

(23) Any student or member of the public may withdraw their complaint at any stage of the informal or formal process. If the formal process is underway, any withdrawal must be in writing to the CAO via email to complaints@scu.edu.au. In most instances, the University will then deem the complaint resolved. However, in certain

circumstances the University may deem the complaint serious enough for an internal investigation to continue or for referral to an external agency.

Part F - Determination Process

(24) On receipt of a formal complaint the CAO will:

a. record the complaint on a confidential and securely stored University Complaints register;
b. send an acknowledgement of receipt of the complaint to the complainant normally within 5 working days; and
c. determine which University Officer the complaint is to be referred to under the formal procedure.

(25) The delegated University Officer will commence assessment of the formal complaint normally within 10 working days of the receipt of the complaint.

a. Where the delegated University Officer reviews the complaint and determines to either uphold or dismiss the complaint on the basis of the information provided, they will notify the CAO who will advise the complainant in writing. The outcome notice will provide reasons for the decision and the avenue for appeal.
b. Where the delegated University Officer determines that the complaint requires further investigation, they will refer the complaint to a Nominated Complaints Officer (NCO) to investigate the complaint. The NCO will normally be a University staff member who is at an appropriate senior level. Where an NCO has been designated, the CAO will advise the complainant in writing.
c. Where the delegated University Officer determines to refer the complaint to be dealt with under another rule, policy or procedure of the University, they will notify the CAO who will advise the complainant in writing.
d. Where appropriate, complaints may also be referred to an external party for investigation at the discretion of the delegated University Officer.

Part G - Role of the Nominated Complaints Officer

(26) On receipt of the formal complaint from the CAO, the NCO will:

a. initiate the investigation, normally within 10 working days;
b. provide both the complainant and respondent with the opportunity to present their cases in writing. This process will include ensuring all parties are in receipt of these Procedures and providing the respondent with written details of the complaint. Where practicable, the NCO must seek the complainant's permission prior to releasing details of the complaint to the respondent;
c. examine relevant documentation, interview relevant parties where necessary and seek clarification on information supplied from the relevant parties where required; and
d. conclude the investigation, normally within 20 working days of the receipt of the complaint. Where this is not possible, the NCO must keep both the complainant and the CAO informed of the reason and expected finalisation date.

(27) Both the complainant and the respondent are entitled to invite a support person (which may be a student advocate) but not a legal representative to attend any interviews or meetings conducted during the formal process. The support person can be a fellow student, staff member, friend, family member or a representative of a Student Association and may contribute to any discussion where invited to do so by the NCO.

(28) At any stage of the investigation the NCO can seek advice from appropriate areas of the University and from external organisations such as those listed under Part S. It is the responsibility of the NCO to inform the complainant of the progress of the complaint where appropriate. At a minimum, this should include advice to the complainant when a preliminary investigation has been completed and also when the investigation report has been finalised for

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consideration by the delegated University Officer.

(29) At the conclusion of the investigation, where required, the NCO will provide the delegated University Officer with one of the following written recommendations:

a. that the complaint has been substantiated and recommendations on any action required;
b. that the complaint has not been substantiated. In most cases no further action will be required, however the NCO may recommend, for example, that parties be reminded of the University's expectations of behaviour.
c. make recommendations about the development of and /or refinement of University systems and practices, whether or not the complaint has been substantiated.

(30) The delegated University Officer may choose, at his or her discretion, not to accept the findings of the NCO and may take another course of action. This may include dismissing or upholding the complaint. The CAO must be advised of the decision for recordkeeping purposes.

(31) The NCO or delegated University Officer where appropriate, will, normally within 10 working days of the decision, advise the CAO who will formally communicate with both the complainant and the respondent of the outcome of the investigation in writing, including the reasons for the decision, and any avenue of external appeal (normally the NSW Ombudsman or National Student Ombudsman).

(32) Where a complaint or subsequent appeal is upheld, the outcome and any required or recommended actions will be recorded in the complaints register and monitored by the CAO until implementation of the action/s is complete.

(33) Where a required action is not implemented, the CAO will include this in the monthly report to the University Executive.

Part H - Review of Decision

(34) If a student or member of the public is dissatisfied with the outcome of a formal complaint, and further resolution is sought, they may refer their complaint to an external agency to investigate. Members of the public may refer their complaint to the NSW Ombudsman. Students may refer their complaint to the NSW Ombudsman or National Student Ombudsman.

International Students

(35) Standard 10 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 made under the Education Services for Overseas Students Act 2000 requires Australian universities to advise international students of their right to access an external review process for complaints and appeals.

(36) International students will be informed of:

a. their right to access the NSW Ombudsman or National Student Ombudsman, if dissatisfied with the outcome of their complaint; and
b. that in most cases, the purpose of the external review process is to consider whether the University has followed its own policies and procedures, rather than make a decision in place of the University.

(37) As per Standards 9 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018, the University will not suspend or cancel an international student's enrolment until the internal appeals process is completed, unless the international student's health or wellbeing, or the wellbeing of others, is likely to be at risk.

(38) As per Standard 10 of the National Code of Practice for Providers of Education and Training to Overseas Students

2018, the University will immediately implement the decision or recommendation and/or take the preventive or corrective required by the decision, and advise the international student of the action.

Part I - Record Keeping and Reporting

(39) For informal complaints which are not referred to the CAO, each staff member responsible for managing the complaint must keep confidential, accurate and complete records in accordance with the University's Records Management Policy.

(40) The CAO is responsible for recording and tracking all complaints submitted to the CAO under this Policy on a confidential and securely stored University Complaints Register.

(41) The CAO is responsible for providing reports to University Executive, Committees, Boards and Council in accordance with the Complaints Reporting Schedule. This includes reports to University Executive, and to specific Committees, Boards and Council.

Part J - Conflict of Interest

(42) A participant may disqualify themselves from participating in these complaint procedures should they consider that their involvement would create a conflict of interest. The convenor of any meeting is required to ensure that any participant in the processes specified by this Policy has the opportunity to declare whether or not they have a conflict of interest. Any participant who perceives a possible conflict of interest should report the matter to the CAO who shall refer the matter to the delegated University Officer for a determination on what action is appropriate, and may disqualify a person from participating.

Part K - Victimisation

(43) Victimisation (such as alienation, threats, intimidation, or less favourable working or studying conditions) towards someone because they raised a Complaint, or they are participating in the complaints process, is unacceptable and may result in disciplinary action. The University will make all reasonable efforts to protect parties involved, including witnesses, from adverse consequences as a result of making a complaint or participating in the complaints process.

Part L - Confidentiality

(44) The privacy and confidentiality of parties to all complaints will be respected to the extent that is practical and appropriate and subject to any legal and regulatory requirements. The University will limit disclosure of information relating to a complaint to only those who are legitimately involved in the process of resolving the complaint.

Part M - Training

(45) All University staff members who are or may be involved in complaints handling under this Policy including the CAO and the NCO are to participate in appropriate, regular training for handling complaints.

Part N - Sources of Advice

(46) The CAO is the University’s primary source of advice available for all parties. Additional various support services across the University, including Student Advocacy, are available on the University website.

Part O - Alternative External Avenues for Lodging Complaints

(47) Complainants are encouraged to follow the procedures in this Policy and to act in good faith to try and resolve any actual or potential complaint.

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(48) The complainant may however, at any stage, refer their complaint to an external agency including those listed below. Where this occurs, the University may cease any internal process. If the University is aware that a complaint has been lodged externally, the complaint will be recorded by the CAO.

a. Anti-Discrimination Board
b. Australian Human Rights Commission
c. Commonwealth Ombudsman
d. National Student Ombudsman
e. NSW Auditor General
f. NSW Independent Commission Against Corruption
g. NSW Ombudsman
h. NSW Police
i. QLD Police
j. NSW Privacy Commissioner

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