

STUDENT COMPLAINT HANDLING AND RESOLUTION POLICY

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Related policies or other documents:	Refer to Annexure

1. Rationale and Scope

- 1.1 This policy covers the handling of complaints on a University-related problem affecting a student that may be causing a staff member, student or a member of the public distress. It also covers issues that involve a complaint (such as physical access or institutional bias) against the University's treatment of students as a corporate organisation.
- 1.2 Under this policy, complaints and appeals are defined as follows:
 - a. A *complaint* is a formal expression of dissatisfaction with UNE procedures, employees or service provision as expressed by one person or a group of people.
 - b. An *appeal* is a request for review within the policy's terms if the matter of dispute has not arrived at a satisfactory resolution.
- 1.3 Complaints that are not expressed in writing are deemed informal and are not covered by this policy. They may be responded to and managed directly.
- 1.4 Complaints about staff behaviour are managed under the provisions of the Staff Code of Conduct and the current UNE Staff Agreement and not under this policy.

2. Principles

- 2.1 The University of New England is committed to providing a supportive learning and working environment where University staff and students can expect common courtesy and have respect shown to them by other members of the University community.
- 2.2 The University is committed to:
 - a. providing the option of resolving complaints without the need to involve outside organisations;
 - b. making the investigation and resolution procedures readily accessible to everyone;
 - c. ensuring appropriate confidentiality is maintained; the observation of the principles of natural justice; and the protection of rights for all;
 - d. encouraging the resolution of disputes as close to their origin as possible;
 - e. the timely solution of complaints and appeals;
 - f. the availability of staff and managers to resolve problems in the first instance, and

- g. a UNE Equal Opportunity Adviser (if required) to:
 - I. identify and, where possible, to correct the cause of dissatisfaction;
 - II. minimise incidents through information and training on their identification and prevention;
 - III. maintain an environment that provides fair and equitable treatment; and
 - IV. provide information and training about how to handle, investigate and resolve complaints.
- h. the complainant not being subjected to sanction of any kind providing the claim is made with an honest belief in its merit;
- i. ensuring that this policy does not remove any rights of redress through a statutory agency such as an Ombudsman or through the courts; and
- j. ensuring that complaints that involve alleged criminal activity are reported to the police or other relevant authority.

3. Policy

- 3.1 All complaints must be taken seriously and treated fairly.
- 3.2 Claims expressed in abusive, harassing, and threatening or vilificatory language will not be accepted.
- 3.3 All policies and processes will specify timelines for investigation, resolution and/or appeal.
- 3.4 All University community members are responsible for trying to prevent complaints by settling disputes at the lowest possible level.
- 3.5 The informal settling of disputes is encouraged.

Investigation and Determinations

- 3.6 Investigation will be based on facts and evidence.
- 3.7 Investigations shall be conducted in accordance with the respective rules or policies and within reasonable timeframes.
- 3.8 A final written report will be produced and made available to the relevant parties.
- 3.9 Records will be diligently and comprehensively maintained by the investigator through the UNE records system.
- 3.10 Investigations will be conducted in accordance with the principles of natural justice but they shall not be conducted in legal form as for a trial (rules of evidence shall not apply); determinations will be made on the basis of the balance of probabilities not on proof beyond reasonable doubt.

Appeals

- 3.11 All rules and policies shall include at least one opportunity for appeal.
- 3.12 Appeals must be made and heard within the timeframes set down in each rule or policy.
- 3.13 Appeals will not be considered by persons involved in the original investigation or hearing.

- 3.14 Appeals may accept new evidence only if a satisfactory explanation is given why this was not available at the original hearing.
- 3.15 The final point of appeal given in the rules or policy is final - at this point the complainant may exercise his/her right to review by an outside agency.

Single Reference Point

- 3.16 To facilitate ease of access to advice on resolution of complaints the University shall provide a single reference point for the submission, recording, management or referral and monitoring of claims.
- 3.17 The single reference point shall be designated by the Vice-Chancellor and it shall have such authority as described in the relevant policy under which a claim is made.

Audits of Complaints Handling

- 3.18 The University will conduct regular audits to evaluate the performance of this policy to provide information on:
- a. institutional conformity to complaints handling procedures; and
 - b. the policy's effectiveness in handling complaints.

4. MISCHIEVOUS AND VEXATIOUS COMPLAINTS

- 4.1 The University reserves the right to discipline any staff member or student who makes a complaint that is found to have been made vexatiously, mischievously or frivolously.
- 4.2 Complaints and appeals are subject to the relevant laws of defamation in NSW.

5. UNIVERSITY OMBUDSMAN

A complainant who is dissatisfied with the University's decision on a complaint, at the conclusion of the hearing and appeal procedures set down by the applicable policy, may take the matter to a University Ombudsman under the provisions of that rule.

6. STATUTORY AGENCIES

Complainants have the right to submit complaints to an appropriate outside agency (for example, NSW Independent Commission Against Corruption, NSW Ombudsman, NSW Anti-Discrimination Board, Human Rights and Equal Opportunity Commission and the Administrative Appeals Tribunal).

7. INDEPENDENT ADVOCACY

Independent advocacy is available to students through ServicesUNE, which offers the services of the Student Support and Welfare Officer.

ANNEXURE TO POLICY

Advice on how to have a complaint addressed

ADVICE ON HOW TO HAVE A COMPLAINT ADDRESSED

The University has a comprehensive range of policies and procedures that include the submission of complaints and appeals.

For complaints about *staff conduct, staff working relationships and performance management* go to:

- **Workplace Agreement**
- **Staff Code of Conduct**
- **Grievance Mediation**
- **Other appropriate policies and procedures**

For complaints about a *student's behaviour* go to:

- **Student Behavioural Misconduct**
- **Other appropriate policies and procedures**

For complaints about a *student's academic behaviour* (including *plagiarism*) go to:

- **Plagiarism and Academic Misconduct** (non-research students)
- **Plagiarism and Academic Misconduct** (research students)
- **Other appropriate policies and procedures**

For complaints about *advanced standing and credit transfer* go to:

- **Advanced Standing**

To make a claim for *HECS-HELP, FEE-HELP or OS-HELP remission or refund* go to:

- **HECS Remission and Refunds**

To make a complaint about *Facilities for Postgraduate Research Students, Research Supervision or Conduct in Research* go to:

- **Research Code of Conduct**
- **Research Supervision Standards**
- **Minimum Facilities for UNE Postgraduate Research Students**
- **Other appropriate policies and procedures**

If you are an *Overseas Student* and you wish to make a complaint or wish to get special advice go to:

- **National Code (Complaints)**
- **Other appropriate policies and procedures**

To make a complaint about an infringement of your *Intellectual Property Rights* go to:

- **Intellectual Property Rights**

To make a complaint about *harassment, racism or discrimination* go to:

- **Anti-Racism**

- **Cultural Diversity**
- **Sex-Based Harassment**
- **Disabled Students**
- **Staff Code of Conduct**
- **Workplace Agreement**
- **Other appropriate policies and procedures**

To raise a concern or make a complaint about *Occupational Health and Safety* go to:

- **Occupational Health and Safety**

To obtain special help or make a complaint about lack of support for your *special needs* and/or *disability* go to:

- **Disabled Students**

To obtain *support and advocacy* about a *student matter* go to:

- **Student advocacy**

To obtain *support and advocacy* about a *staff matter* go to:

- **Community and Public Sector Union**
- **National Tertiary Education Union**

To make an appeal or complaint about your *academic results* go to:

- **Student appeals**

To make a complaint about *maladministration* go to:

- **UNE Ombudsman**

To get a comprehensive list of all UNE policies go to:

- **UNE Policies (www.une.edu.au/policies)**