



University of  
South Australia

## Student complaints resolution

**POLICY NO:** C-17.4

**DATE OF APPROVAL:** 1 April 1996

### **AMENDMENTS:**

- Senior Management Group - September 1998
- Senior Management Group - December 2003
- Director: Student and Academic Services - June 2005
- University Council – January 2013

**REFERENCE AUTHORITY:** Vice Chancellor

### **CROSS-REFERENCES:**

- Code of Ethical Conduct
- Code of Good Practice: Relationships between staff and students
- Code of Good Practice: Research degrees management and supervision
- Code of Conduct for Students
- Guidelines for best practices in UniSA work placements within Australia
- Guidelines for students on use of IT facilities, including email and the internet
- Guidelines on Electronic Communications with Students
- Assessment Policies and Procedures Manual
- A-46: Confidentiality of students' personal information
- C-1: Inclusive language
- C-2: Equal opportunity
- C-6: Occupational Health, Safety, Welfare and Injury Management
- C-7: Students with disabilities
- C-9: Security on campus
- C-12: Sexual harassment
- C-19: Prevention of violence on campus
- C-21: Anti-racism
- C-22: Acceptable use of Information Technology (IT) facilities
- RES-10 Higher Degrees by Research, and regulations
- University of South Australia Statute 7 – Student Misconduct
- University of South Australia Enterprise Agreement 2011
- University of South Australia Senior Staff Collective Agreement 2006
- Student Ombud Protocols

The following legislation applies as amended from time to time:

- *Age Discrimination Act 2004* (Cwth)
- *Disability Discrimination Act 1992* (Cwth)
- *Equal Opportunity for Women in the Workplace Act 1999* (Cwth)

- *Fair Work Act 2009 (Cwth)*
- *Human Rights and Equal Opportunity Commission Act 1986 (Cwth)*
- *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (The National Code 2007)*
- *Racial Discrimination Act 1975 (Cwth)*
- *Sex Discrimination Act 1984 (Cwth)*
- *Equal Opportunity Act 1984 (SA)*
- *Occupational Health Safety and Welfare Act 1986 (SA) and associated regulations*
- *Racial Vilification Act 1996 (SA)*
- *University of South Australia Act 1990 (SA)*
- *Whistleblowers Protection Act 1993 (SA)*
- *Workers Rehabilitation and Compensation Act 1986 (SA)*

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## Preamble

The University of South Australia is committed to providing a harmonious work and study environment for all members of its community.

## Scope

This policy provides a framework for resolving student complaints in the University environment. It defines parties' responsibilities and outlines the procedures for making or responding to a complaint.

The policy includes student complaints about:

- academic programs (clause 15)
- the decisions of University committees or groups (clause 15)

- the administrative decisions and/or procedures of any unit or group within the University or acting under the authority or auspices of the University (clause 15)
- University staff (clause 16)
- another student (clause 17)

It includes complaints about bullying, discrimination or harassment as defined in this policy.

It does not include complaints regarding matters of academic judgement (such as final grades and preclusion) that are addressed in the University's academic and research policies.

This policy does not automatically cover students of the University undertaking placements with other organisations, as other policies may also apply.

All references to 'head of school' include the Director: Centre for Regional Engagement and Academic Director: UniSA College.

## Definitions

For the purpose of this policy, the following definitions apply:

**Bullying** means the repeated unreasonable ill treatment of a person by another or other people. It consists of offensive, abusive, belittling or threatening behaviour directed at an individual or group that a reasonable person would expect to create a risk to the emotional, mental or physical health of the person(s) affected or targeted.

**Complaint** means a verbal or written communication from a student who believes they have been treated unfairly or inappropriately, either by a staff member or student of the University, or as a result of University policies and procedures which fall within the scope of this policy.

**Complainant** means a student who has lodged a complaint under the provisions contained within this policy.

**Discrimination** means treating an individual and/or group in employment or education less favourably than others, or causing them disadvantage on any of the grounds specified in the relevant legislation.

Examples of discrimination include but are not limited to:

- making denigrating verbal or written comments or jokes relating to the attributes specified in the relevant legislation
- displaying or distributing denigrating written or pictorial material, graffiti, clothing or badges relating to the attributes specified in the relevant legislation
- expressing stereotypes relating to the attributes specified in the relevant legislation
- using University facilities to recruit students or staff to organisations or groups which advocate unlawful discrimination or harassment

**Harassment** is a deliberate, aggressive act which can be a form of bullying if it is repeated or persists over a period of time. Harassment may also be considered unlawful discrimination if it is associated with attributes covered by federal and/or state anti-discrimination legislation (e.g. age, sex, race, disability etc). See also 'Sexual Harassment'

**Manager or supervisor** means the relevant head of school, deans, directors of research institutes, division directors, directors of central units, convenor or chair of a University committee or group.

**Natural Justice** (also called 'procedural fairness') depends on the circumstances of the matter and is generally a process that seeks to ensure fairness to all parties and includes the following principles:

- all parties must be given an opportunity to present their case
- the respondent must be provided with notice and information about allegations made against them
- the respondent must be given a reasonable timeframe within which to respond
- the decision maker must:

- act fairly and without bias
- declare any conflict of interest
- consider all relevant evidence before the decision maker
- base any decision on evidence that supports it
- all parties must be informed of the decision in relation to the complaint, and the reasons for that decision

**Respondent** means the person or persons whose alleged behaviour or action/inaction is the subject of the complaint.

**Senior manager** means Deputy Vice Chancellors, Pro Vice Chancellors and the Chief Operating Officer.

**Sexual Harassment** means unwelcome sexual behaviour or sexual innuendo that has the effect of offending, intimidating or humiliating a person in circumstances which a reasonable person having regard to all the circumstances would have anticipated that the person harassed would be offended, humiliated or intimidated.

**Student Ombud** is an academic staff member of the University who is authorised by the Vice Chancellor to conduct enquiries and take action to resolve complaints raised by students under this policy. The Student Ombud operates within the University under terms of reference approved by the University Council. Although part of the University, the Student Ombud is independent and impartial.

**Support person** means a person who provides assistance to any party to a complaint.

**Victimisation** means an act by a person which causes another person involved in the complaint, other than the respondent, to be intimidated or coerced; or suffer a detriment or disadvantage, or be otherwise treated unfavourably; or the threat of such conduct, on the grounds that the person made or is proposing to make a complaint, or has or is proposing to provide information about a complaint, or otherwise asserting their legal rights.

## Policy

1. Complaint resolution procedures will be conducted in accordance with the principles of natural justice as appropriate in the circumstances, as determined by the University from time to time.
2. The University will take all reasonable steps to ensure that all students and staff are aware of this policy and that it is accessible. All staff and students will receive information about this policy during orientation and/or induction programs.
3. Where possible a complaint will be dealt with at the local level and will involve as few people as possible. Complaints should not be escalated before attempting local resolution.
4. Any party to a complaint may be assisted or accompanied by a support person at relevant meetings, but may not have legal representation.
5. Requests for anonymity by the complainant will be considered on a case by case basis by the staff member managing the complaint. This will include consulting with the support person and/or the complainant as appropriate. Staff requiring guidance on this matter should seek advice from their line manager or the Student Ombud.
6. A complainant may withdraw their complaint at any time.
  - a. The complainant must promptly advise the staff member managing the complaint that the complaint has been withdrawn. This advice must be provided in writing.
  - b. The staff member managing the complaint will advise all parties within two working days that the complaint has been withdrawn.
  - c. The University may still choose to investigate the complaint.

7. A student has the right to lodge a complaint with an external body (see clause 14.7). Where this occurs, the University may take further action in response to the complaint following the external body's determination.
8. Any action arising from a complaint will be implemented in accordance with the relevant University statute or industrial instrument, where applicable.
9. Penalties may be instituted against anyone who victimises or retaliates against a complainant or a support person of either party.
10. Nothing in this policy detracts from the provisions contained in relevant University statutes, by-laws and policies.

## **Roles and Responsibilities**

### **11. Responsibilities of staff and students of the University**

- 11.1 All staff and students are responsible for contributing to a harmonious work and study environment.
- 11.2 All staff and students must respect the rights of both the complainant and the respondent in accordance with the principles of natural justice.
- 11.3 All staff and students who have access to information regarding a complaint must ensure that this information is disclosed only to those legitimately involved in resolving the complaint, or as authorised or required by law.
- 11.4 A staff member or student who is approached by a complainant seeking to discuss allegations of bullying, discrimination or harassment should recommend that the complainant seek advice and information from the Student Ombud.
- 11.5 A staff member or student who is approached by a complainant seeking to discuss any other form of complaint under this policy should recommend that the complainant seek advice and information from:
  - a. Campus Central, or
  - b. a UniLife student advocate, or
  - c. the Graduate Research Centre, or
  - d. UniSA partner administration office, or
  - e. the Student Ombud
- 11.6 Any staff who provide information or advice to a student about resolving a complaint must decline or withdraw their involvement if there is, or could be, a real, perceived or potential conflict of interest. In these cases the staff member must refer the student to an appropriate alternative source of assistance.

## **12. Responsibilities of managers and supervisors**

### **12.1** Managers and supervisors are responsible for:

- a. having a working knowledge of this policy and the procedures for dealing with student complaints
- b. ensuring that their staff, including any staff on short term contracts, are informed of this policy
- c. arranging and/or supporting staff development initiatives designed to promote understanding of diversity and equal opportunity, and the University's complaints handling procedures
- d. ensuring that the requirements of natural justice are met when investigating student complaints
- e. acting to resolve student complaints that fall within their responsibility under this policy
- f. taking corrective and/or preventative action and/or making recommendations to address issues arising from the complaint
- g. meeting the requirements for confidentiality and record keeping as detailed in clause 19 of this policy.

### **12.2** Where a manager or supervisor

- a. is implicated in a complaint, or
  - b. there is, or could be, a real, perceived or potential conflict of interest in dealing with the complaint,
- the matter must be referred to their line manager.

## **13. Responsibilities of the Student Ombud**

### **13.1** The Student Ombud is responsible for:

- a. ensuring that this policy is accessible to all staff and students via the University website
- b. ensuring that the services of the Student Ombud are available to all students regardless of location or mode of study
- c. providing education, training and advice to staff in relation to complaints handling procedures
- d. ensuring that the requirements of natural justice are met when investigating complaints from students
- e. acting to resolve complaints
- f. taking corrective and/or preventative action and/or making recommendations to address issues arising from the complaint
- g. meeting the requirements for confidentiality and record keeping as detailed in clause 19 of this policy
- h. monitoring and reviewing the implementation of this policy and procedures
- i. providing an annual report to University Council

### **13.2** With the exception of complaints about bullying, discrimination or harassment, the Student Ombud will normally only intervene in a complaint when all other avenues for resolution have been exhausted. However any party to a complaint may seek advice from the Student Ombud at any stage.

## Procedures

### 14. General Procedures

- 14.1** The primary objective of these procedures is to achieve a fair and reasonable resolution of a complaint.
- 14.2** A complainant should first seek information and advice about options for resolving their complaint from:
- Campus Central, or
  - a UniLife student advocate, or
  - the Graduate Research Centre, or
  - UniSA partner administration office, or
  - the Student Ombud
- 14.3** Where the complainant chooses to lodge a written complaint, the complaint must
- state the basis of the complaint
  - contain specific details
  - be signed by the complainant in printed or electronic form.
- 14.4** The staff member managing the complaint must acknowledge the complaint (whether verbal or written) in writing within two working days, commence the resolution process within ten working days of the initial contact from the complainant, and take all reasonable measures to finalise the process as soon as practicable.
- 14.5** The complainant must be provided with a written statement of the outcome, including the reasons for the outcome and further avenues of complaint, within five working days of the resolution of the complaint.
- 14.6** International students who lodge a complaint must be advised that their enrolment will be maintained while the internal complaints resolution process is ongoing.
- 14.7** Complainants may refer complaints to one of the following external bodies at minimal or no cost. The appropriate external body will depend on the nature of the complaint.
- the Office of the State Ombudsman of South Australia
  - the Equal Opportunity Commission of South Australia
  - the Office of the Training Advocate
  - the Australian Human Rights Commission
  - ESOS mailbox or ESOS helpline (for international students)
- Information about referring matters to external bodies can be found on their respective websites.

### 15. Complaints about academic programs; decisions of University committees or groups; or administrative decisions and/or procedures

- 15.1** A student may initiate a complaint about:
- academic programs (content or structure)
  - course or program delivery
  - assessment methods
  - administrative procedures or decisions
  - access to resources
  - a decision made by a University committee or group

- 15.2** Wherever possible, the complainant should first discuss their complaint with the staff member who has immediate responsibility. The complainant may do this independently or with the assistance of a support person. The aims of the discussion are to:
- a. establish the basis of the complaint
  - b. achieve a resolution of the complaint
- 15.3** Where the complaint is not resolved through discussion, the complainant may lodge a complaint with the relevant manager/supervisor.
- 15.4** The manager/supervisor will acknowledge receipt of the complaint in writing within two working days of receiving the complaint. The letter will include information about the complaints resolution process. The manager /supervisor will commence an investigation within ten working days.
- 15.5** If, following investigation, the complaint is not substantiated, the complainant will be advised in writing within five working days that the matter will not proceed further within the University.
- 15.6** If, following investigation, the complaint is substantiated, the manager/supervisor will:
- a. implement changes or recommend changes to the appropriate person or committee to redress the issue
  - b. advise the complainant in writing within five working days of the resolution of the complaint of:
    - i. the outcome
    - ii. the reasons for the outcome
    - iii. further avenues of complaint
  - c. ensure the equitable treatment of other students who may have been affected.
- 15.7** If the matter cannot be resolved at the local level, either the complainant or the manager/supervisor may refer the matter to the relevant senior manager (see Definitions).
- 15.8** If the matter remains unresolved following investigation by the senior manager, either the complainant or the senior manager may refer the matter to the Student Ombud.
- 15.9** If the complainant is dissatisfied with the outcome, the complainant may lodge a complaint with an external body such as those listed in clause 14.7.
- 15.10** If a complaint is referred directly to the Vice Chancellor before the process outlined above has been undertaken, the Vice Chancellor will normally refer it to the relevant manager/supervisor.

## **16. Complaints about a University staff member**

- 16.1** Wherever possible, the complainant should first discuss their complaint with the staff member concerned. The complainant may do this independently or with the assistance of a support person. The aims of the discussion are to:
- a. establish the basis of the complaint
  - b. enable communication between the complainant and the respondent
  - c. achieve a resolution of the complaint
- 16.2** Where the complaint is not resolved through discussion, the complainant may lodge a complaint with the relevant head of school/director. If the head of school / director determines that the complaint is trivial and/or vexatious, they will advise the complainant in writing within five working days that the matter will not proceed further within the University.

- 16.3** Any allegations of misconduct/serious misconduct by a staff member must be referred to the Director of Human Resources for consideration, investigation and action under the University's relevant industrial instruments. The relevant Deputy Vice Chancellor/Pro Vice Chancellor must also be advised of the allegations.
- 16.4** Complaints that do not involve misconduct/serious misconduct are most appropriately resolved in accordance with the following process.  
The head of school/director will:
- a. acknowledge receipt of the complaint in writing within two working days of receiving the complaint. The letter will include information about the complaint resolution process and the respondent's rights, including the right to natural justice
  - b. discuss the matter with the respondent. This should include:
    - i. providing details of the complaint. Where the complaint has been lodged in writing, the respondent should be provided with a copy of the complaint (see clause 5 and clause 19.1.b)
    - ii. explaining the effect of the alleged behaviour on the complainant
    - iii. providing information about the respondent's rights, including the right to natural justice
    - iv. providing information about relevant support services, University policy, procedures and external legislation (see Cross References)
    - v. advising that victimisation will not be tolerated
  - c. discuss the complaint with the complainant, with the aim of resolving the complaint
  - d. provide a written confirmation of the outcomes of the complaint to all parties within five working days of the resolution of the complaint.
- 16.5** If the matter cannot be resolved at the local level, either the complainant or the head of school/director may refer the matter to the relevant senior manager (see Definitions).
- 16.6** If the matter remains unresolved following investigation by the senior manager, either the complainant or the senior manager may refer the matter to the Student Ombud.
- 16.7** If the complainant is dissatisfied with the outcome, the complainant may lodge a complaint with an external body such as those listed in clause 14.7.
- 16.8** If a complaint is referred directly to the Vice Chancellor before the process outlined above has been undertaken, the Vice Chancellor will normally refer it to the relevant head of school/director.

## **17. Complaints about another student**

- 17.1** Wherever possible, the complainant should first discuss their complaint with the student concerned. The complainant may choose to do this independently or with the assistance of a support person. The aims of the discussion are to:
- a. establish the basis of the complaint
  - b. enable communication between the complainant and the respondent
  - c. achieve a resolution of the complaint
- 17.2** Where the complaint is not resolved through discussion, the complainant may lodge a complaint with the relevant head of school. If the head of school determines that the complaint is trivial and/or vexatious, they will advise the complainant in writing within five working days that the matter will not proceed further within the University
- 17.3** The head of school will:
- a. acknowledge receipt of the complaint in writing within two working days of receiving the complaint. The letter will include information about the complaint resolution process and the respondent's rights, including the right to natural justice.

- b. discuss the matter with the respondent. This should include:
  - i. providing details of the complaint. Where the complaint has been lodged in writing, the respondent should be provided with a copy of the complaint (see clause 5 and clause 19.1.b)
  - ii. explaining the effect of the alleged behaviour on the complainant
  - iii. providing information about the respondent's rights, including the right to natural justice
  - iv. providing information about relevant support services, University policy, procedures and external legislation (see Cross References)
  - v. advising that victimisation will not be tolerated
- c. within 10 working days write to the complainant, the respondent and other relevant staff as appropriate to arrange an informal meeting for the purpose of resolving the issue.
- d. provide a written confirmation of the outcomes of the complaint to all parties within five working days of the resolution of the complaint.

**17.4** If the matter cannot be resolved at the local level, either the complainant or the head of school may refer the matter to the relevant pro vice chancellor.

**17.5** If the matter remains unresolved following investigation by the pro vice chancellor, either the complainant or the pro vice chancellor may refer the matter to the Student Ombud.

**17.6** Where the complainant is dissatisfied with the outcome, the complainant may lodge a complaint with an external body such as those listed in clause 14.7.

**17.7** Some complaints may involve matters that are subject to Statute 7. Where the head of school considers that Statute 7 might apply, they must seek advice from the Office of the Vice Chancellor.

- a. If the Vice Chancellor determines that Statute 7 is applicable, the complaint will be addressed using the procedures outlined in Statute 7.
- b. If the Vice-Chancellor determines that Statute 7 is not applicable, the complaint will return to the head of school for resolution using the process outlined in clause 17.3.

**17.8** If a complaint is referred directly to the Vice Chancellor before the process outlined above has been undertaken, the Vice Chancellor will normally refer it to the relevant head of school.

## **18. Complaints about bullying, discrimination or harassment on placement**

**18.1.** If a student alleges bullying, discrimination or harassment while on a placement, the University will investigate. Where those allegations are substantiated, as determined by the University, the University will:

- a. act as far as is reasonable and possible to protect the student
- b. work with the other organisation to investigate and resolve the complaint
- c. take precautions to prevent recurrence.

## **19. Confidentiality and record keeping**

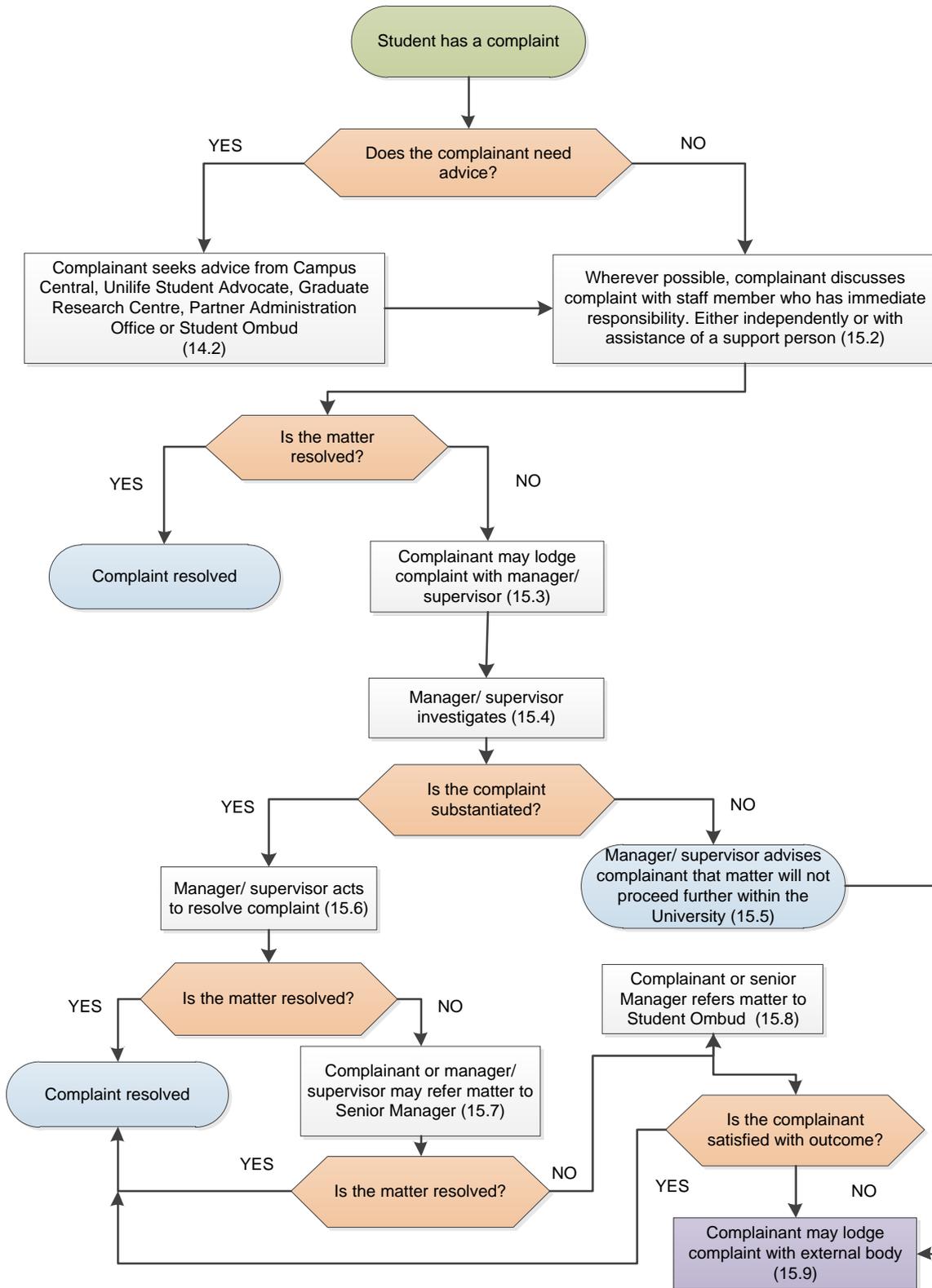
**19.1** All records created and held in relation to a complaint must be treated as confidential. This means:

- a. information concerning the complaint will only be made available to a person who:
  - i. has a legitimate role in the complaint resolution process
  - ii. is required or authorised by law to access the information
- b. if the complainant requests that their complaint be kept confidential, their permission must be obtained before information about the complaint is provided to any other person, subject to natural justice.

- 19.2** A complete written record of all complaints and their outcomes must be kept. This includes:
- a. where the complaint has been substantiated:
    - i. retaining a copy of the record on the respondent's file
    - ii. providing a copy of the record to the respondent, who is entitled to attach comment
  - b. retaining a copy of all correspondence on the student's file in Campus Central, UniSA transnational administration or the Graduate Research Centre
  - c. retaining a record of any corrective and/or preventative action taken in response to the complaint
  - d. providing a copy of the complete record of the complaint to the Records Management Office for archiving.

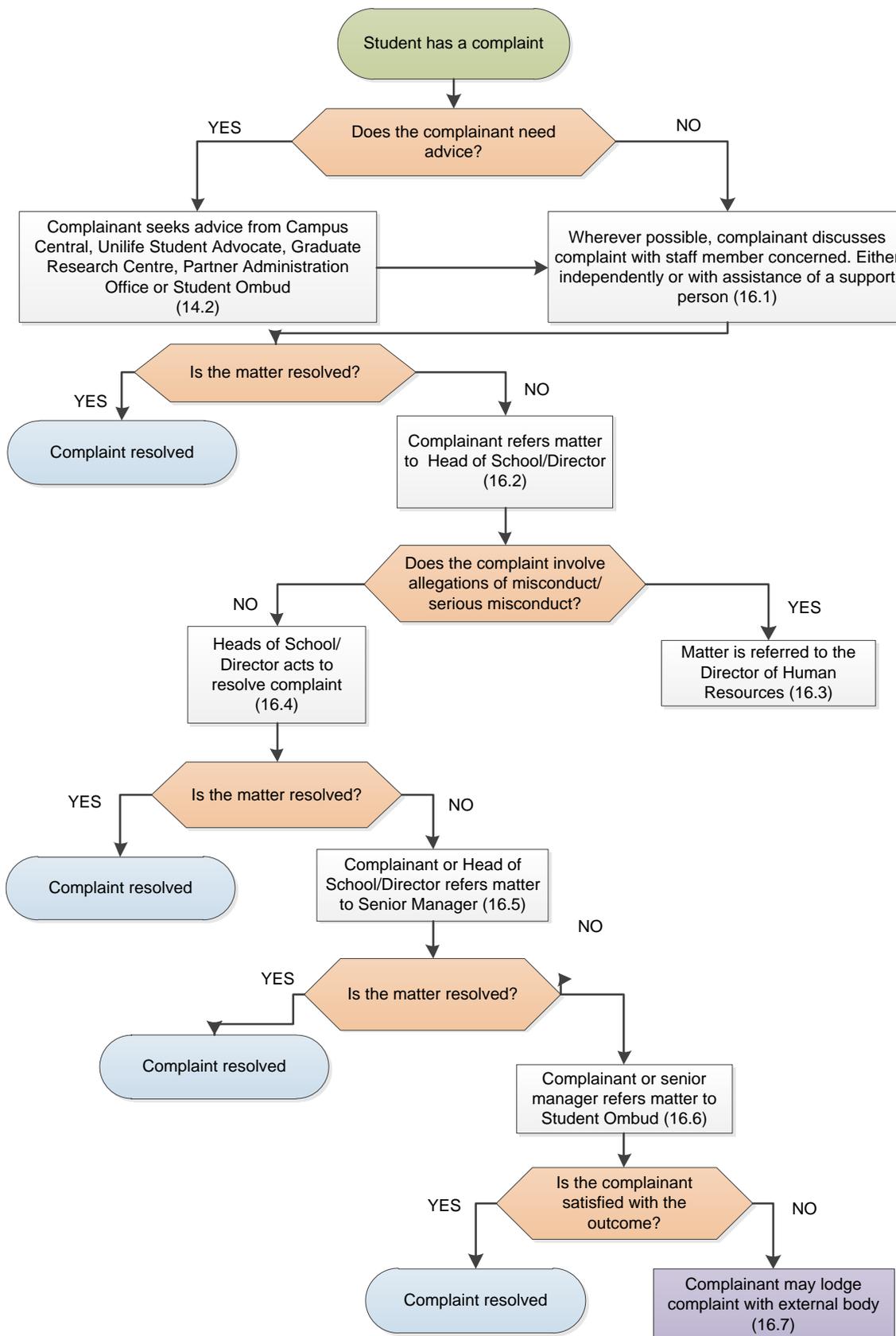
**Appendix A: Process for resolving a complaint about an academic program, decision of committee, or administrative procedure (clause 15)**

*Note: This flowchart must be read in conjunction with the policy*



**Appendix B: Process for resolving a complaint about a staff member (clause 16)**

*Note: This flowchart must be read in conjunction with the policy*



**Appendix C: Process for resolving a complaint about another student (see clause 17)**

Note: This flowchart must be read in conjunction with the policy

