Student Complaints Procedure

Section 1 - Governing Policy

(1) This Procedure is governed by the Student Complaints Policy.

Section 2 - Feedback

(2) A student who wishes to provide feedback about their experience at, or of, ACU, the University's operations or to make suggestions for improvement, but does not require any formal resolution, may submit feedback through the online feedback form.

(3) The Office of the Academic Registrar will refer feedback to the manager responsible for the relevant organisational unit for consideration.

Section 3 - Procedural Fairness and Conduct of Proceedings

(4) When handling a complaint, a complaint handler or review officer must proceed in a manner that is procedurally fair. The complaint handler or review officer will:

a. determine the matter on the basis of evidence brought forward by the complainant, the respondent and/or the University, and act fairly in accordance with the relevant policy and procedure;
b. give all relevant parties a copy of, or an opportunity to inspect, all documentation relevant to the subject matter of the complaint;
c. give the parties a reasonable opportunity to respond in writing and/or to appear before that person;
d. give the parties at least five working days' written notice of the date, time and place of any meeting or hearing regarding the complaint;
e. permit a complainant, and any support person whom a complainant appoints under Section 8 of the Student Complaints Policy, to be present at any meeting or hearing regarding the complaint, except during interviews with the respondent or witnesses;
f. conduct any meeting in closed session and treat the complaint in strict confidence, except as necessary for the discharge of that person's responsibilities or as otherwise required by law; and
g. manage any actual or imminent threat of harm.

(5) Failure of the complainant and/or the complainant's support person to appear for discussion of any complaint, at the time notified to them, will not prevent the matter being considered by the complaint handler.

Section 4 - Informal Complaint Resolution

(6) A student or prospective student who feels that an academic or administrative issue is unsatisfactory or

unacceptable is strongly encouraged to attempt to resolve the matter directly with the person or area concerned, or with the appropriate supervisor of that person.

(7) A student or prospective student may proceed directly to the lodgement of a formal complaint where:

a. a student or prospective student feels unsafe or is intimidated by dealing directly with the person or area concerned or;
b. it is more appropriate for sensitive matters.

(8) For any sexual assault or sexual harassment related incidents, it is advised that students do not attempt to resolve the matter informally and should proceed directly to lodging a disclosure or formal report under the Student Sexual Misconduct Prevention and Response Policy.

Section 5 - Lodging a Formal Complaint

(9) Before lodging a formal complaint, a student is encouraged to seek confidential, independent advice from the Student Advocacy Service to understand:

a. whether steps have been undertaken to attempt to resolve the complaint informally, where appropriate;
b. whether a formal complaint is appropriate, or whether another University process should be pursued; and
c. the student complaint procedures and what resolution may be possible as an outcome of a formal complaint.

(10) A disclosure or formal report of sexual assault or sexual harassment should be submitted in accordance with the Student Sexual Misconduct Prevention and Response Policy.

(11) A student or prospective student who is not able to resolve a complaint to their satisfaction informally under Section 4 of this Procedure may submit a formal complaint to the Office of the Academic Registrar online from Complaints and Feedback, or by mail to PO Box 968 North Sydney NSW 2059.

(12) A complaint should be lodged within 20 working days of the occurrence of the subject matter of the complaint, or of notification of the matter which is the subject of the complaint as the University's ability to take action reduces after this time.

(13) The Academic Registrar or complaint handler may, at their discretion, extend the time for lodging a complaint.

(14) In lodging a formal complaint, a complainant is responsible for ensuring that the matter raised has substance and is genuine and they must conduct themselves in an appropriate manner.

(15) A formal complaint must:

a. be in writing;
b. provide the complainant's student identity number (where issued) and contact details unless the complainant elects to remain anonymous;
c. state the grounds for complaint fully;
d. include any supporting information or evidence on which the complainant is basing their complaint as detailed in clause (17);
e. indicate the steps taken to date, including advice sought and/or provided, and any action taken by the complainant subsequent to obtaining such advice; and
f. indicate what the complainant considers to be a satisfactory resolution to their complaint.

(16) An anonymous complaint will only be considered if:

a. it is not necessary for the University to be aware of the identity of the complainant to properly respond; or
b. there is independent documentary or other evidence that allows the matter to be investigated fairly.

(17) Relevant information or evidence includes specific details that are sufficient to allow an investigation to proceed and enable any other party/ies to respond which will include matters such as:

a. the names of any other party/ies;
b. the time, date, place of any events relevant to the complaint;
c. copies of any relevant documents; and
d. details of witnesses, if relevant.

(18) New grounds or new evidence will not normally be accepted at any later stage of the complaint process, unless:

a. there has been a major change in circumstance following the lodging of the initial complaint;
b. the associated information or evidence has a significant bearing on the complaint and was not reasonably available at the time the complaint was first lodged; or
c. other exceptional circumstances exist.

(19) Any formal complaint received directly by a staff member must be referred to the Office of the Academic Registrar by email to student.complaints@acu.edu.au in the first instance.

Section 6 - Acknowledgement and Preliminary Assessment

(20) Upon receipt of a formal complaint or request for a review of a complaint outcome, the Office of the Academic Registrar will record the lodgement in the University Register of Complaints.

(21) The Office of the Academic Registrar will undertake a preliminary assessment of the formal complaint submission and may take any of the following actions:

a. refer the formal complaint to the appropriate complaint handler or review officer for investigation and resolution;
b. seek more information from the complainant where insufficient detail has been provided to allow the complaint to be reasonably investigated by a complaint handler or review officer;
c. advise the complainant that the submission falls outside the scope of this Policy and refer them to another process such as the Student Appeals Policy or the Student Sexual Misconduct Prevention and Response Policy;
d. determine whether the complaint should be dealt with in accordance with the Student Conduct Policy;
e. advise the complainant that their behaviour constitutes unreasonable complainant conduct and action is being taken under Section 11 of this Procedure to change or limit their access to the complaint management process.

(22) Where a complaint has been assessed as incomplete in clause (21), the complainant will be granted five (5) working days to provide further information and/or documentation. The Office of the Academic Registrar may, at their discretion, extend the time for providing further information and/or documentation.

(23) The Office of the Academic Registrar will respond to the complainant in writing within 5 working days and will advise that the matter:

a. is being investigated; or
b. is out of scope under Section 2 of the Student Complaints Policy, and will need to be handled under a different

Policy; or

c. is lacking in information or substance, and will not be able to be investigated by the University without provision of further information or detail by the complainant.

(24) The Office of the Academic Registrar will monitor the progress of complaint resolution and will escalate as necessary according to clause (40).

Section 7 - Progression of Complaint

(25) A complaint that relates to an academic or non-academic matter within the jurisdiction of, or related to, a School or Faculty including professional experience or community engagement placement matters may progress through the following levels:

a. investigation of a formal complaint by the relevant Head of School, or equivalent;
b. review of a complaint outcome by the Executive Dean

(26) A complaint that relates to a matter within the jurisdiction of, or related to, any organisational unit other than a School or Faculty may progress through the following levels:

a. investigation of a formal complaint by the manager responsible for the relevant organisational unit;
b. review of a complaint outcome by the Director of the relevant Directorate.

(27) A student submitting a complaint that relates to another student may seek support from staff of the relevant Faculty, or from staff of any of the University's support services. The complaint may progress through the following levels:

a. investigation of a formal complaint by a Campus Dean;
b. review of a complaint outcome by the Deputy Chief Operating Officer and Director, Campus Leadership.

(28) Where the relevant complaint handler designated under clauses (25)-(27) is the subject of, or has been involved in the matter to which the complaint relates, the complaint will be referred by the Office of the Academic Registrar to another staff member at the same level who has had no previous involvement.

Section 8 - Investigation of a Formal Complaint

(29) Any investigation of a formal complaint will be conducted in accordance with the procedural fairness and conduct of proceedings provisions of Section 3 of this Procedure.

(30) The Office of the Academic Registrar will refer the complaint to the relevant complaint handler identified in clauses (25)-(27).

(31) The complaint handler will take the following initial action where the matter includes specific complaints:

a. regarding a staff member that raises conduct that might be in contravention of the Code of Conduct for Staff, the matter will be referred to the Chief People Officer who will determine whether the complaint will be dealt with in accordance with the relevant People and Capability policy or the Student Complaints Policy; or
b. that may constitute discrimination or harassment, reference should be made to the Discrimination and Harassment Policy, however, the complaint will be dealt with under the Student Complaints Policy.

(32) If the complaint handler was previously involved in a decision to which the complaint relates, the complaint will

be referred to another staff member nominated by that officer's supervisor.

(33) The complaint handler will conduct an investigation into and/or a review of the issues raised.

(34) The complaint handler may, at their discretion:

a. interview the student or prospective student who has lodged the complaint;
b. interview any relevant staff, students or other persons;
c. seek information from other relevant staff and/or students, and/or access advice and/or expertise from such other person(s) as the officer deems appropriate.

(35) The complaint handler will determine whether the formal complaint is:

a. substantiated;
b. substantiated in part; or
c. not substantiated.

(36) A determination that the complaint is substantiated or substantiated in part may lead to a range of outcomes, including:

a. an explanation of why an issue has occurred and an apology, where relevant;
b. correction of an administrative or academic error;
c. implementation of an agreed solution;
d. counselling of a staff member to prevent recurrence of an issue;
e. intervention by a senior staff member to resolve an issue under their delegated authority;
f. referral for disciplinary action under the Student Conduct Policy or the (staff) Misconduct and Serious Misconduct Policy; and/or
g. addressing any systemic issues in the relevant School, Faculty or Directorate.

(37) The complaint handler will notify the Office of the Academic Registrar of the outcome of the investigation and/or the proposal for resolution of a complaint under this policy within 15 working days of the referral of the complaint for investigation.

(38) The complaint handler must notify the Office of the Academic Registrar where a further time period is required for cases where the matter is complex, including where the complaint handler is required to investigate any counter-complaint lodged, where delays are experienced in obtaining information from another party or where the matter is referred for resolution under a different University policy.

(39) The complaint handler must provide the Office of the Academic Registrar with sufficient detail of the investigation and the outcome of the complaint that will allow for notification to the complainant in accordance with clause (56).

(40) Where the Office of the Academic Registrar has not received the outcome of a complaint from the complaint handler within 15 working days of referral of the complaint for investigation and has not been notified that a further time period is required for the investigation, the complaint will be escalated to the supervisor of the complaint handler.

Section 9 - Review of Complaint Outcome

(41) Any review of a complaint outcome will be conducted in accordance with the procedural fairness and conduct of proceedings provisions of Section 3 of this Procedure.

(42) If the complainant is not satisfied that the complaint management process has led to a satisfactory resolution, they may request a review of the investigation and complaint outcome. Such a review will be limited to:

a. that the University has failed to act in accordance with this Procedure and the Principles for managing complaints as set out in Section 3 of the Student Complaints Policy; or
b. the identification of new grounds or new evidence that could not reasonably have been provided or was not reasonably available at the time of investigation, and in all likelihood would have had a significant bearing on the complaint outcome.

(43) The request for review of a complaint outcome must be in writing and submitted to the Office of the Academic Registrar by email to Student.Complaints@acu.edu.au, or by mail to PO Box 968 North Sydney NSW 2059 within 20 working days of notification of the complaint outcome to the student.

(44) The Office of the Academic Registrar will refer the request for a review of the complaint outcome to the relevant review officer identified in clauses (25)-(27).

(45) Where a major change in circumstance has arisen under clause (42)b. and the reviewing officer determines that it should be taken into consideration, the matter will normally be referred back to the complaint handler who undertook the initial review, for further consideration.

(46) The reviewing officer will notify the Office of the Academic Registrar of the outcome of the review within 15 working days of the referral of the complaint for investigation by the reviewing officer.

(47) The reviewing officer must provide the Office of the Academic Registrar with sufficient detail of the review and the outcome of the complaint that will enable notification to the complainant in accordance with clause (56).

Section 10 - Management of Anonymous Complaints

(48) Anonymous complaints will normally only be investigated where sufficient information from the complainant has been provided which would allow an investigation to proceed without the source of the complaint being known.

(49) Where a complainant identifies themselves but asks to have their identity withheld, the Office of the Academic Registrar, in consultation with the complaint handler, will determine whether it is possible to resolve the complaint in accordance with the principles of procedural fairness without revealing the identity of the complainant.

(50) Within 15 working days of the receipt of an anonymous complaint for investigation, the complaint handler will notify the Office of the Academic Registrar that either:

a. there was insufficient information provided to allow an investigation to proceed; or
b. the outcome of the investigation and/or the proposal for resolution of their complaint under the Student Complaints Policy.

Section 11 - Management of Unreasonable Complainant Conduct

(51) Any staff member involved in the management of a complaint that is subject to behaviour that may constitute unreasonable complainant conduct, may refer the matter to the Office of the Academic Registrar.

(52) The Academic Registrar will determine whether the complainant's behaviour constitutes unreasonable complainant conduct in accordance with Section 10 of the Student Complaints Policy.

(53) Where the Academic Registrar determines that the behaviour constitutes unreasonable complainant conduct, the Office of the Academic Registrar may respond by taking any or all of the following actions:

a. limit contact with a complainant to a sole staff member;
b. limit or modify the forms and/or frequency of contact that the complainant can have with the University;
c. limit the length of documentation that will be accepted; and/or
d. prohibit further action on any complaint from the student or prospective student without prior approval from the Academic Registrar.

(54) Any action under clause (53)d. should only be taken after consultation with the Office of General Counsel.

(55) The Academic Registrar may refer the matter for consideration under the Fitness to Study Policy or the Student Conduct Policy.

Section 12 - Notification and Recording of Outcome of Complaint

(56) The Office of the Academic Registrar will notify the complainant, in writing, of the outcome of the investigation and/or the proposal for resolution of their complaint under the Student Complaints Policy. The complainant will be notified of:

a. the process undertaken to consider the complaint;
b. the outcome of any investigation, including any recommendation(s) for administrative action that the University will consider;
c. the proposed resolution of the complaint including handling under another University Policy;
d. the reason(s) for that proposal; and
e. the avenue of further complaint available to the student or prospective student.

(57) The written response to the complainant will be retained as a formal record of communication with the student or prospective student in accordance with the Records and Archive Management Policy.

(58) Any conditions placed upon or relating to a student's enrolment as an outcome of a complaint will be held on the student's personal file.

(59) The Office of the Academic Registrar will communicate the outcome of the investigation and/or any proposal for resolution of any complaint to:

a. the Academic Registrar where the substance of the complaint relates to repeated or systemic issues, or needs to be considered under another ACU Policy; and/or
b. all relevant parties involved in the process and such other officer(s) of the University that may need to take action as a result of the decision.

(60) Any action required of the University as a result of an outcome of a complaint must be initiated within 10 working days of the notification.

(61) A copy of the outcomes of any investigation of a formal complaint under Sections 8 or 9 of this Procedure will be maintained on the University Register of Complaints, held in the Office of the Academic Registrar.

(62) An annual de-identified summary and analysis of complaints must be tabled at the Academic Board for noting each year.

This policy document may be varied, withdrawn or replaced at any time. Printed copies, or part thereof, are regarded as uncontrolled and should not be relied upon as the current version. It is the responsibility of staff printing this document to always refer to the ACU Policy Portal for the latest version.

Section 13 - Associated Information

(63) For related legislation, policies, procedures and guidelines and any supporting resources please refer to the Associated Information tab.

Status and Details

Status	Historic
Effective Date	2nd September 2024
Review Date	2nd September 2027
Approval Authority	Governance Officer
Approval Date	21st August 2024
Expiry Date	6th March 2025
Responsible Executive	Helen Murnane Academic Registrar
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