

# Student Complaints Management Policy

## Section 1 - Background and Purpose

(1) La Trobe University aims to provide a fulfilling and rewarding experience that enables students to achieve their full academic and personal potential. Contributing to a positive experience is the presence of a system whereby student complaints and grievances may be appropriately addressed.

(2) As well as contributing to resolution of matters that detract from the experience of individual students, the collection and analysis of data relating to complaints informs continuous quality improvement including identifying policy gaps and ways in which customer service may be improved.

(3) Student rights under Australian State and federal laws are not abrogated by their use of this Policy and the procedures which support it.

(4) These Procedures describe the student complaint management system. Some complaints are fully managed within this system, others under separate policy. Complaints Officers will provide guidance as to the appropriate processes to be followed.

(5) These processes are consistent with requirements in the [Education Services for Overseas Students Act 2000](#) (the ESOS Act) and the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#).

## Section 2 - Scope

(6) This Policy applies to:

- a. All enrolled students (including exchange students, students on leave of absence and students awaiting examination of a submitted thesis);
- b. Past students who were enrolled less than twelve (12) months ago;
- c. People applying to the University for admission or scholarships;
- d. All University activities on University property and extending to official University activities outside the normal business hours and/or beyond the University campus;
- e. All members of the University community.

(7) This Policy also applies to students in relation to academic or administrative decisions or processes except where a specific complaints and/or appeals process is otherwise prescribed by Statute, Regulation or Council resolution.

## Section 3 - Policy Statement

(8) The University will:

- a. investigate and resolve legitimate complaints or grievances as quickly as practicable;

- b. apply the principles of natural justice and procedural fairness;
- c. attempt to achieve a resolution as close to the source of the complaint as possible; and
- d. seek to maintain appropriate levels of confidentiality during the resolution of these matters.

(9) Where a complaint relates to a matter that is illegal, the University may be obliged to refer the matter to the appropriate authorities.

(10) Complaints or grievances that are without substance, not made in good faith or made in order to cause annoyance or malicious harm to another person will not be investigated by the University.

(11) Victimization of anyone using the complaints and grievances resolution process is a breach of the [General Misconduct Statute 2009](#).

## Section 4 - Procedures

### Part A - Stages of Complaint and Grievance Handling

(12) Applying the principle that complaints should preferably be resolved as close to the source as possible, complaints may be resolved (in ascending order) by:

- a. Local level discussion and resolution (no formal lodgement of a complaint).
- b. Consultation with a Complaints Officer (may or may not result in formal lodgement of a complaint).
- c. Complaint lodgement with a Complaints Officer and resolution by a Responsible Officer (may include an investigation).

### Part B - Local Level Resolution

#### Local Level Resolution of Complaints Between Students

(13) When a matter is between two students, the first step should be to attempt to discuss the matter privately. If that step fails, is not possible or is inappropriate, see clauses 18-19 in these Procedures.

#### Local Level Resolution

(14) In all other relatively straightforward matters, the student should raise the issue directly with the member(s) of staff who are most closely involved with the issue. The student's concerns should be raised in writing, to ensure a shared understanding of the nature of the matter.

(15) If the student is not comfortable raising the matter with the staff member most closely involved, the approach may be made through another appropriate staff member at the local level (eg the Course Coordinator, Head of School or Department, Head of a Unit or Administrative Division). Again the matter should be raised in writing.

(16) The member of staff with whom the issue has been raised will aim to resolve the matter as quickly as possible through informal processes. This may involve a meeting to discuss the matter, to which the student may bring a support person (see Part W).

(17) If matters are not resolved within 10 working days, the student may elect to consult with a Complaints Officer.

#### When Local Level Resolution is Not Possible

(18) In cases that are complex and serious, or if local resolution is not possible, not successful or inappropriate, the

student should raise their concerns with a Complaints Officer. There are Complaints Officers in each College and at each Regional Campus.

(19) A written account of the problem should be provided to the Complaints Officer prior to discussions to facilitate understanding of the issue. The best way to do this is to use the proforma found on the [Student Complaints website](#). Using this proforma does not mean a complaint has been formally lodged.

## **Part C - Consultation with a Complaints Officer**

(20) The Complaints Officer will work with the student to identify the problem and what the best outcome may be.

(21) There are several possible outcomes of the discussion:

- a. The student may be referred to attempt a local level resolution (recorded as “Referred for Local Level resolution”);
- b. The student may decide not to pursue the matter further (recorded as a “Consultation”) and no further action taken;
- c. The student may decide not to pursue the matter further but wishes for their concerns to be provided to the relevant area for their information (recorded as “Referred for Information”);
- d. The student may decide to pursue the matter outside the University (recorded as “Referred to external process”);
- e. The Complaints Officer may refer the matter to another area of the University with responsibility for the particular subject matter of the concern (recorded as “Referred to another University process”);
- f. If, after the discussion with the Complaints Officer, the student wishes to pursue it further, the matter is lodged as a complaint in the University Student Complaints Management system.

## **Part D - After a Complaint is Lodged**

(22) After the complaint is lodged, the Complaints Officer may be able to personally resolve the complaint if the issues are straightforward (registered as a complaint). The Responsible Officer will receive advice of this resolution and must either endorse the resolution or request further action by the Complaints Officer or appointment of an Investigator.

(23) If the complaint is not able to be resolved simply, the Complaints Officer will advise the Responsible Officer that an investigation may be required (registered as a complaint requiring investigation).

(24) This may result in an investigation within the College, or (on occasion) referral to the University Student Complaints Office, at the discretion of the Responsible Officer.

## **Part E - Investigation of Complaints**

(25) If the matter is to be investigated within the College or campus, the Investigating Officer will be appointed by the Responsible Officer.

(26) If the matter is to be investigated by the University Student Complaints Office, the Manager, Student Complaints, in consultation with the Responsible Officer in the relevant College or Division, will identify the appropriate person to investigate the complaint.

(27) The Investigating Officer will be responsible for investigating and seeking resolution of complaints that require investigation.

(28) The investigation should normally take no more than 20 working days, but often takes less than that.

## Part F - Report of the Investigation

(29) The Investigating Officer will provide a report to the Responsible Officer who will determine whether the proposed outcome is satisfactory. If not, the Responsible Officer may ask for further investigation and even may appoint additional investigators.

(30) If it is satisfactory, a Notice of Outcome will then be sent to the student, authorised and signed by the Responsible Officer, with copies sent to any other parties.

(31) All records related to the complaint must be kept as required by Part W of these Procedures.

## Part G - Making an Appeal

(32) The parties to a complaint managed under these Procedures may appeal the outcome of the process.

(33) Grounds for an appeal are that the principles of natural justice or procedural fairness were not observed, or not adequately observed, in making the decision. A student may not appeal simply on the grounds that they do not agree with the decision made during the investigation.

(34) The appeal must be made in writing to the University Ombudsman and the submission must include the grounds for the appeal and relevant evidence. Appeals must normally be made within 20 working days of the outcome being sent to the student.

## Part H - Exhaustion of University Processes

(35) At the conclusion of an appeal, all University processes for complaint resolution are exhausted. The student may then choose to take their complaint to an external agency, if they wish to pursue the matter further.

## Part I - What can a Complaint be about?

(36) The majority of student complaints are related to a breach of, or gaps in, University policy or procedure, shortcomings in customer service or another event that significantly detracts from the student experience.

(37) Broadly, complaints may be related to:

- a. Research and Research Training
- b. Services and Administration
- c. Teaching Quality
- d. Fellow students

### Complaints About Research and Research Training

(38) Examples of the types of complaints made about research activities and candidatures include:

- a. Ethics, dishonesty, conflict of interest;
- b. Supervision of a research candidate, which may also be addressed through the [Graduate Research Supervision Policy](#);
- c. Content of research activities or methods of research, which may also be addressed through the [Research Integrity Policy](#)

## Complaints About Services and Administration

(39) Examples of the types of complaints made about services and administration activities and decisions include: a.

- a. Scheduling and Timetables
- b. Incorrect advice
- c. Conduct
- d. Fees and payments

## Complaints About Teaching Quality

(40) Examples of the types of complaints made about teaching include:

- a. Academic Content
- b. Teaching Materials (eg culturally insensitive or outdated materials)
- c. Delivery
- d. Assessment

## Complaints About Fellow Students

(41) Examples of the types of complaints made about fellow students include:

- a. Dishonesty and ethics
- b. Bullying
- c. Conduct
- d. Harassment

## Complaints Handled by Other Areas of the University

(42) Some matters are not covered under this Policy because they have in-built protections through University legislation, policy and/or procedure.

(43) Students may approach a Complaints Officer to discuss their concerns and options.

(44) During this discussion, Complaints Officers will determine if the matter should be referred to another area of the University and will assist the student in initiating action through these processes.

(45) Specific matters that may be referred to other parts of the University are:

- a. Facilities complaints and maintenance – Infrastructure and Operations has specific processes to register maintenance problems.
- b. Sexual harassment, harassment and discrimination – for more information, see relevant the [Sexual Assault Prevention and Response Policy](#) and the [Student Behaviours Policy](#) and the University's Equality and Diversity Centre. The Complaints Officer can help you work out what process is best for your situation.
- c. Occupational Health and Safety – for more information, see relevant [Health and Safety Policy](#) and OHS Management Responsibilities or the Health and Wellbeing site on the University intranet.
- d. Academic Progress – Only complaints about the processes used or the time taken in academic progress matters may be lodged with the Complaints Officer. Appeals against the outcomes of the Academic Progress processes must be made under the relevant [Academic Progress Review Policy](#).
- e. Academic Misconduct/Academic Integrity – for more information, see relevant [Academic Integrity Policy](#).
- f. Privacy and Personal Information – for more information, see relevant [Privacy - Personal Information Policy](#) and

the University's Privacy Officer.

- g. Privacy and Health Information – for more information, see relevant [Privacy - Health Information Policy](#) and the University's Privacy Officer.
- h. Requests for a Review or Re-mark of student academic work – see the relevant [Review and Re-mark of Students Academic Work Policy](#). Only complaints about the time taken or a failure to follow the defined procedures may be lodged as a complaint. A Complaints Officer, in consultation with a Responsible Officer, will be able to assist with deciding the best processes to use.

## **Students Who Are Also Staff**

(46) Students who are also staff of the University may lodge a complaint or grievance either according to this Policy; according to the [Grievance Resolution \(Staff\) Procedure](#); or the [Workplace Behaviours Policy](#) and must declare on lodging their complaint that they are also a staff member at La Trobe.

(47) The Complaints Officer of a complaint lodged by student who is also a staff member of La Trobe will determine whether this Procedure, the [Grievance Resolution \(Staff\) Procedure](#); or the [Workplace Behaviours Policy](#) is the most appropriate channel for handling the grievance. The Complaints Officer will take into account the complainant's primary relationship with La Trobe and their relationship to the subject of the complaint.

(48) The Complaints Officer will also determine whether the complaint is about a staff member who is also a student. If the complaint is about a student who is also a staff member, the investigating officer will determine whether relevant student policies and procedures or relevant staff policies and procedures are the most appropriate standard for assessing the complaint.

(49) If a complaint is lodged by or is about a student who is also a staff member, the Student Complaints Office will work collaboratively with Human Resources in resolving the complaint.

(50) Following the resolution of a complaint lodged by or about a student who is also a staff member, the Student Complaints Office may refer the matter to Human Resources for further review in accordance with the [Code of Conduct](#) and relevant policies.

## **Part J - Complaints Handled by External Organisations - Illegal Activities**

(51) Matters involving immediate security or safety issues should be taken up with Speak Up, University Security or the local Police.

(52) Suspected illegal activities may be referred to Victoria Police. Illegal activities include personal safety matters (stalking, assault or fear of assault), concerns about interaction with children and suspicions of fraud or bribery.

(53) A Complaints Officer, in consultation with a Responsible Officer, will be able to assist with deciding the best processes to use.

## **Part K - Making a Complaint to External Organisations**

(54) Students may also choose to lodge a complaint with an external organisation like the Australian Human Rights Commission or Victorian Ombudsman. Some external agencies require that all relevant University complaints processes have been exhausted before considering the matter.

## **Part L - University Staff Involved in the Complaints Process**

(55) University staff who are likely to become involved in discussing, lodging, investigating and resolving a complaint

are:

- a. Complaints Officers (one per College and one per Campus)
- b. Manager, Student Complaints
- c. Investigators appointed by the Responsible Officers
- d. Responsible Officers

(56) Full role definitions may be found in the Student Complaints and Grievances Guidelines – People and Roles.

## **Part M - Responsible Officers**

(57) Responsible Officers can be any one of the following:

- a. Administrative Division Heads
- b. Associate Pro Vice-Chancellors (Coursework)
- c. Associate Pro Vice-Chancellors (Research)
- d. Heads of Campus

(58) All complaint resolutions must be authorised and endorsed by a Responsible Officer. More detailed role definitions may be found in the Student Complaints and Grievances Guidelines – People and Roles.

## **Part N - Responsibilities of All Parties to the Complaint**

(59) To help resolve any matter raised under the Student Complaints Management process, staff and students are asked to:

- a. Provide relevant information to those receiving and investigating a lodged complaint;
- b. Discuss and provide open and honest information about events relevant to the complaint;
- c. Provide access to any relevant records requested of them.

(60) Without this information and cooperation, the complaint may not be able to be resolved.

(61) The University has both a [Privacy - Personal Information Policy](#) and a [Privacy - Health Information Policy](#).

## **Part O - Students Studying in Third Party Arrangements or Attending Placements**

(62) Any student enrolled in a La Trobe University course or subject, whether that course or subject is taught by or at the premises of another organisation, is covered by this Policy. This includes students on placement or in clinical situations.

(63) Contact details for College Complaints Officers will be provided with all enrolment materials and made available on student websites.

(64) Students studying on the premises of a partner organisation should speak to a College Complaints officer to determine where the matter is best resolved. Some concerns may be better addressed by the local educational provider.

## **Part P - Support for the Parties**

(65) Students and other parties to a complaint or grievance in these processes may require support.

(66) Each party to a complaint or grievance may bring one support person to accompany them to any meeting or discussion.

(67) The support person may be (for example) a friend, a Student Advocate from the Student Union or a parent but may not be a registered legal practitioner. The support person may not speak on behalf of nor make arguments on behalf of the student.

## **Part Q - Interpreter**

(68) In addition to the support person (in Part W above), any party to a complaint may bring an interpreter with them to any part of the process if required.

## **Part R - Timeframes**

### **Timeframe for Lodging a Complaint**

(69) Students have twelve (12) months from any event or action in which to lodge a complaint.

### **Timeframe for Resolving a Complaint**

(70) The resolution of a complaint must begin within 10 working days of lodgement of the complaint. Ideally a resolution to a complaint will be found within 7 to 20 working days after the complaint is lodged. On occasion, the process may be faster, and in particularly difficult matters, it may take longer than 20 working days. If the latter is likely, the

Complaints Officer will advise the student of the delay. More details on specific timeframes may be found in the Student Complaint Management Guidelines – Timelines.

### **Overriding the Time Limits to Lodge a Complaint or an Appeal**

(71) The Manager, Student Complaints has the discretion to override any time limits for lodging a complaint or an appeal, taking into consideration the reason given for the delay. Equally, the time limit may be upheld by the Manager, Student Complaints.

## **Part S - Withdrawing a Complaint**

(72) A student may request the withdrawal of a lodged complaint at any time.

## **Part T - Confidentiality and Anonymity**

(73) While the University is committed to confidentiality and keeping information about complaints to the smallest number of people required to manage the matter, the identity of the parties can often be deduced from the nature of the complaint. In addition external avenues, such as freedom of information, can be used to gain access to the identity of the parties to the complaint.

(74) The University cannot guarantee the anonymity of parties to a complaint or grievance.



## **Part U - Insufficient Information**

(75) Where a complaint lacks sufficient information, it may not be possible for the University to pursue the matter. In these circumstances the relevant Responsible Officer may decide to take no further action until and unless further information becomes or is made available.

## **Part V - Contact with the Parties to the Complaint**

(76) All written contact with the parties will be made using La Trobe University electronic mail addresses. It is the responsibility of the parties to monitor their LTU electronic address.

## **Part W - Record Keeping and Disposal**

(77) All correspondence and materials used and/or created during the investigation and resolution of a formally lodged complaint must be retained by the University.

(78) Once a complaint is resolved, all records and correspondence become part of official University files and are stored and subsequently disposed of in accordance with usual archival disposal requirements.

(79) Any written notes or original documents related to formally lodged complaints must be retained for archival purposes. It is recommended that only electronic records be prepared and that all submissions be received electronically to prevent problems with record retention. All notes and documents should be prepared and stored within the working file established for that purpose, rather than in any individual's hard drive, network or other electronic storage mechanism.

(80) Matters resolved at a local level do not have these record-keeping requirements, although the parties may wish to make and keep notes for their personal records.

## **Part X - Unreasonable Conduct by a Person Making a Complaint**

(81) Unreasonable Conduct by a person making a complaint will have one or more of the following characteristics:

- a. The person attempts to lodge the same (or a very similar) complaint on multiple occasions;
- b. The complaint lacks any substance or obvious merit and is not made in good faith; and/or
- c. The complaint is made specifically to cause another party distress, annoyance or embarrassment (a vexatious complaint).

(82) These complaints will not be considered by the University and a person making such complaints may be restricted from future use of the Complaints Management Process.

(83) The Manager, Student Complaints must be consulted and make the final decision in any further action taken for the above reasons.

(84) A person making a vexatious complaint may be considered to have breached the University's [General Misconduct Statute 2009](#) and may have action taken against them under that Statute.

## **Part Y - Restriction from Using the Complaints Management Process**

(85) If found to be exhibiting unreasonable conduct and restricted from using the Complaints Management process, the student will be notified in writing by the Manager, Student Complaints, of any restrictions.

(86) Restrictions may include (but are not restricted to):

- a. No telephone calls will be accepted or interviews granted unless initiated by the University;
- b. No further responses will be made to correspondence from the student unless the correspondence raises a new issue which, in the University's opinion, warrants lodgement of a new complaint.

## **Part Z - Conflict of Interest**

(87) Any conflict or potential conflict of interest should be declared to the Manager, Student Complaints and the conflicted party should cease any further involvement in the matter.

(88) If it is the Manager, Student Complaints with the conflict of interest, the conflict must be declared to the Executive Director, Educational Partnerships and Quality and the Manager, Student Complaints should cease any further involvement in the matter.

(89) The Manager, Student Complaints in consultation with the Executive Director, Educational Partnerships and Quality will make alternate arrangements.

## **Part AA - The Annual Report and Other Reporting**

(90) The Manager, Student Complaints is required to comply with the Australian Standard Guidelines for Complaints Handling in Organisations by reporting annually to the Vice-Chancellor.

(91) This report should include information on the quality and timeliness of complaint handling and on systemic and serious complaints.

(92) The Vice-Chancellor receives the Annual Report and refers the report to the University Council for noting.

(93) In addition to annual reporting, regular (de-identified) reports will be provided by the Manager, Student Complaints, to the Executive Director, Educational Partnerships and Quality, Responsible Officers and other interested parties.

## **Part BB - Evaluation of Process**

(94) After an outcome has been recorded for each complaint lodged, a short evaluation questionnaire will be sent to the parties to the complaint to evaluate the process used. The information will be de-identified, analysed and used to review and improve the processes.

## **Section 5 - Definitions**

(95) For the purpose of this Policy and Procedure:

- a. Anonymous complaints: Where the person making the complaint withholds their name or asks not to be identified in any way.
- b. Complaint: A complaint is a problem, concern or grievance about the University or the University environment.
- c. Confidentiality: A complaint will be treated by all parties with appropriate confidentiality. Unless required otherwise by law, information arising in the course of a complaint will be circulated only between the parties and other persons involved on a confidential and need-to-know basis. Such information may only be used by them (or on their behalf) for the purpose of resolving the complaint in accordance with this policy. Each complaint resolution process is to be conducted by as few people as possible.
- d. Conflict of Interest: Interest, involvement or information which may influence or be perceived to influence a person's ability to make objective recommendations or decision in investigating a complaint.
- e. External Agencies: For example, the Victorian Equal Opportunity and Human Rights Commission, Australian

Human Rights Commission, Independent Broad Based Anti-Corruption Commission, Victorian Ombudsman or Victoria Police.

- f. Investigator: A person who investigates a complaint and make recommendations based on the outcome. The Investigator must have no conflict of interest in the matter and may be a member of the University Staff or a person external to the University.
- g. Natural Justice:
  - i. Respondents must be provided with all necessary details of the allegations that have been made against them
  - ii. Respondents must be given the opportunity to respond to the allegations in an appropriate way before any decision is made (including as to any mitigating circumstances)
  - iii. The persons involved in deciding an outcome do not have any bias or conflict of interest.
  - iv. The decision is based only on relevant evidence.
- h. Parties to the complaint: University staff members or students who are the subject of a complaint.
- i. Respondent: The person about whom the complaint is made, or the person nominated by the organisational unit to respond to complaints that are not specific to a person.
- j. Responsible Officer: a person given authority to ensure that a complaint is effectively managed. This may include investigation, appointment of an investigating officer, and/or approval of a resolution.
- k. Staff of the University: academic staff including contract staff, visiting appointments, conjoint appointments and guest lecturers; professional and technical staff (including casual and contract staff); staff of partner institutions teaching La Trobe courses.
- l. Student Complaints Officers: The person in each College (Curriculum Project Coordinator) and on each campus (role to be advised) who speaks with students about complaints and who does the initial 'triage' of the complaint, including lodgement and referral as necessary.
- m. Support Person: A person who may help a student make a complaint, provide support or give advice on processes. A support person may be a friend, another student, a University staff member or a family member. A support person does not speak on behalf of the student and is not an advocate.
- n. University Activities: formal and informal University events, including where a student is representing the University (for example: a conference, sporting or cultural event, a University-arranged exchange program and/or fieldwork). These include academic work and examinations, including those conducted online and in remote locations arranged by the University.
- o. University community: All students, staff, visitors to the University, contractors and other workers employed by the University, University tenants and their staff.
- p. University Property: University owned or managed buildings and venues, including sporting grounds and residences. For the purpose of this Policy, it includes homestays and overseas exchange locations.
- q. Victimisation: Victimisation is subjecting or threatening to subject another person to any detriment because that person, in good faith, has alleged that someone has been bullying or harassing them or someone else, or supported someone in making a complaint or raising a grievance, or provided information during an investigation of a complaint or grievance.

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	7th August 2018
<b>Review Date</b>	7th August 2021
<b>Approval Authority</b>	Vice-Chancellor
<b>Approval Date</b>	5th July 2018
<b>Expiry Date</b>	6th August 2018
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