

# Student Complaints Management Policy

## Section 1 - Background and Purpose

- (1) The Student Complaints Management Policy and Procedure outlines the mechanisms for students to lodge a complaint about an aspect of University life and in particular complaints regarding University services or administrative issues.
- (2) The University has established the Student Conduct and Investigations Office and [Student Complaints Management System \(SCM\)](#) to coordinate the management of student complaints at no financial cost to students.
- (3) The complaints process complements other processes at the University where students may seek a review of or appeal against certain decisions of the University. The complaints process cannot be used as an alternative avenue for review or appeal processes that are established through other University statutes or policies.
- (4) The University expects students to make complaints in good faith. This means that complaints are made about a genuine concern, and not for the purpose of causing annoyance or malicious harm to another person.

## Section 2 - Scope

- (5) This Policy applies to persons applying to, or currently or previously enrolled in, any La Trobe University subject or course, including those conducted by third parties.
- (6) Issues must be raised within 12 months of the issue or incident. The University may consider complaints submitted after this period where it determines that there are exceptional circumstances.
- (7) The student complaints process may be used to raise concerns or submit complaints about:
- customer service/administration issues, including complaints about Living at La Trobe;
  - matters of process related to the University experience;
  - academic standards and educational quality-related issues;
  - third parties while providing services on behalf of the University, such as contractors, education agents and third party providers, including those individuals and organisations supervising student placements.
- (8) The student complaints process does not include complaints about inappropriate student conduct. All conduct concerns should be referred to Safer Community and will be managed in accordance with the [Student Conduct Management Policy](#) or the [Sexual Harm Prevention and Response Policy](#), as appropriate. Safer Community can be contacted [here](#).
- (9) Where a student wishes to seek a review of, or lodge an appeal against, specific decisions of the University they may be referred to other relevant statutes, policies or procedures. For student matters, this includes but is not limited to:

- a. disputes regarding eligibility for Special Consideration refer to:
  - i. the [Special Consideration Policy \(for subjects commencing prior to 1 Nov 2021\)](#)
  - ii. the [Assessment Procedure - Adjustments to Assessment \(incorporating Special Consideration\)](#)
- b. disputed academic progress determinations ([Academic Progress Statute 2010](#) and associated policies);
- c. outcomes of student complaints ([Ombudsman Statute 2009](#)).

## Section 3 - Policy Statement

(10) As part of its commitment to quality, La Trobe University recognises the need for an effective complaints mechanism to adequately resolve student grievances and complaints about University life.

(11) The University seeks to provide a student complaints mechanism that:

- a. is easily accessible;
- b. investigates and resolves complaints in a timely manner;
- c. applies principles of procedural fairness, as appropriate;
- d. attempts to resolve complaints as close to the source as possible;
- e. does not pursue investigations of vexatious complaints or complaints without substance; and
- f. is free from victimisation.

(12) Complaints will be managed consistent with the University [Privacy Policy](#). This means, among other things, that:

- a. complaints will be treated by all parties with appropriate confidentiality;
- b. each complaint resolution process is conducted by as few people as possible;
- c. complaint records may be disclosed to appropriate officers of the University or external authorities, as part of the University's duty of care obligations, or as required by law;
- d. de-identified data may be used by the University for the purposes of reporting on the management of student complaints;
- e. information systems and records are maintained securely and confidentially as necessary to document and record responses to formal complaints, allegations of misconduct, breaches of academic or research integrity and critical incidents.

(13) Students may elect to remain anonymous when lodging a complaint. In certain circumstances, electing to remain anonymous may restrict the University's ability to assist, or may limit the complaint outcomes available to a student.

(14) All parties to a complaint are entitled to bring a support person to meetings and discussions. A support person can be any person chosen by the party but may not be a registered legal practitioner and may not speak on behalf of the party they are supporting.

## Section 4 - Procedures

### Part A - Complaints Pathways

(15) Complaints may be resolved by:

- a. informal local level discussion and resolution; or
- b. submission of a formal complaint via the [Student Complaints Management system \(SCM\)](#).

(16) Students accessing either of these pathways to resolve an issue are encouraged to seek assistance from the confidential and free [Student Advocacy Services](#) that are provided to help students speak to staff members about their concerns. Information about other support services available to students is provided on the [Student Complaints website](#).

(17) Complainants are encouraged to attempt to resolve matters at the local level, where it is reasonable and appropriate to do so, before considering lodging a complaint through the [SCM](#).

(18) A student may also elect to lodge a formal complaint via the [SCM](#) for any matter within the scope of this Policy where they are not comfortable engaging in local level resolution, or if an attempt at local level resolution has been unsuccessful.

## **Part B - Informal Local Level Resolution**

(19) A local level resolution may involve the student discussing the matter directly with the person with whom they have the grievance, or with a staff member in the school or relevant business area.

(20) Students are encouraged to identify causes and desired outcomes for the complaint issue before speaking either directly to the person concerned, or to the staff member with whom they are lodging their complaint. Students may wish to do this in conjunction with a support service.

(21) When a staff member becomes aware of a student complaint they should, where appropriate, endeavour to resolve the complaint to the satisfaction of all parties.

(22) In the process of resolving the complaint the staff member may:

- a. refer the issue to a senior staff member from within the relevant school/business area for advice; or
- b. direct the student to appropriate support services where required.

## **Part C - Submitting a Complaint via the Student Complaints Management System**

### **Lodging a Formal Complaint**

(23) In cases where direct and informal local level resolution is not appropriate or successful, or the student does not feel comfortable to pursue this path, the student may lodge a formal complaint in the [SCM](#).

(24) Formal complaints must be lodged in writing, normally via the web form provided on the [SCM](#), but are also accepted via email, post or hand-delivered letter.

(25) Each formal complaint must specify the details of the matter about which the complaint is being made. If the complainant requests action to be taken as a result of the complaint, contact details must be provided.

(26) Complainants who require assistance or advice in writing their complaint may seek assistance from a relevant support service.

(27) Where appropriate, complaints lodged through the SCM are managed centrally by the Student Conduct and Investigations Office, who may work with the school/business area to resolve the complaint.

(28) The Student Conduct and Investigations Office acknowledges the receipt and commences assessment of complaints submitted via the SCM within 10 working days. The acknowledgement to students includes advice regarding:

- a. pathways to resolution of issues not formally considered complaints, for example, requests for information or review of decisions
- b. actions to be undertaken in respect of the complaint, and
- c. time frames in which it is expected that these processes will occur. Students will be informed if the Student Conduct and Investigations Office views their complaint may take longer than 60 days to resolve either at the commencement of the investigation process or during the course of the investigation.

## **Case Management and Assessment**

(29) Case management of complaints is conducted by the Student Conduct and Investigations Office.

(30) When a complaint is lodged, a Student Complaints staff member may contact or meet with the student and gather information about the circumstances of their complaint. They may also work with the student to clarify their concerns and identify possible avenues for resolution.

(31) Having gathered all relevant information, the Student Complaints staff member will work with the relevant school/business area to resolve the complaint at the local level or formally via the SCM.

## **Determination of Outcome**

(32) The Student Complaints staff member will make a determination regarding the outcome of a complaint, consulting with the relevant school/business area where appropriate. The Student Conduct and Investigations Office will communicate the outcome of the assessment in writing to the student, according to the provisions in Part E of this procedure.

## **Serious or Complex Complaints**

(33) In serious or complex circumstances, or at the request of a student, school/business area, or party to a complaint, Student Conduct and Investigations may undertake case management of a complaint. Student Conduct and Investigations may elect to manage a complaint by carrying out investigation, as outlined in Part D of the procedure.

## **Part D - University-Level Investigation**

(34) The instigation of all university-level investigations must be approved by the Deputy Director, Student Conduct & Investigations.

(35) Student Conduct and Investigations manage the university-level investigation process, including:

- a. notifying the parties of the investigation and information regarding processes and timelines;
- b. arranging investigation activities such as interviews;
- c. gathering any information required by the investigator;
- d. providing guidance to the investigator on relevant policies, procedures and protocols; and
- e. handling final communications to all parties.

## **Appointment of an Investigator**

(36) Investigators are appointed by the Deputy Director, Student Conduct & Investigations and must:

- a. be a member of staff who holds a level of seniority at least above the level of where the complaint occurred, or, in certain circumstances, an appropriate person external to the University;
- b. have an understanding of the investigation role and the required skills to carry out the investigation function;
- c. not have a real or perceived conflict of interest, including prior involvement in handling the complaint.

(37) Prior to accepting the role Investigators must advise of any potential conflicts of interest, or circumstances that could reasonably give rise to a perception of bias.

## **Conduct of Investigations**

(38) The Student Conduct and Investigations Office will provide support and guidance to the Investigator regarding the relevant policies and investigation processes but are not involved in the decision making function in relation to the substantive complaint issues.

(39) Depending on the circumstances, the Investigator may recommend to the parties that mediation or other alternative dispute resolution methods may be suitable to resolve the matter.

(40) At the conclusion of a university-level investigation, the Investigator will prepare a report for the University detailing:

- a. the complaint;
- b. how the investigation was conducted;
- c. an overview of materials reviewed;
- d. the Investigator's findings in relation to the complaint and the reasons for those findings;
- e. any recommendations and proposed resolution for complainants, which may include future quality improvement and assurance actions.

(41) Student Conduct and Investigations will provide the report and its recommendations to senior staff in the relevant school or business area for review and response. The relevant area must provide any responses regarding the proposed outcome to Student Conduct and Investigations within 10 working days.

(42) The Deputy Director, Student Conduct & Investigations is responsible for approving the outcomes of university-level investigations prior to final communications to complainants.

(43) Complainants will receive information regarding the nature of the university-level investigation and outcomes for the complainant, according to the provisions in Part E and with due regard to privacy and other legislative limitations.

(44) The Investigator's report, the decision and the reasons for it are recorded within the [Student Complaints Management system](#) by the Student Conduct and Investigations Office.

## **Part E - Outcomes of Complaints**

### **Possible Outcomes**

(45) A determination that a complaint is substantiated or partially substantiated may lead to any combination of the following outcomes, or any other outcome deemed appropriate in the circumstances:

- a. rectification of an administrative error;
- b. implementation of a negotiated solution;
- c. intervention by an appropriate academic representative;
- d. counselling or training of one, both or all parties;
- e. referral to another process within the University;
- f. referral for disciplinary action, as appropriate (for staff or students).

(46) Where a complaint outcome results in a decision or recommendation in favour of the student, the University will immediately implement the decision or recommendation and/or take the preventative or corrective action required by

the complaint decision, and advise the student of that action via the outcome letter.

## **Communication of Outcomes to Students and Right to Review**

(47) Where a student has lodged a formal complaint through the [SCM](#) they will be advised in writing of the outcome of the complaint within 10 days of the outcome being finalised.

(48) The outcome letter must include:

- a. whether the complaint has been substantiated or partially substantiated;
- b. the proposed resolution of the complaint and the reasons;
- c. information about the student's right to a review of the complaint outcome through the Office of the University Ombudsman, under the provisions of the La Trobe University [Ombudsman Statute 2009](#), or through an external agency such as the Victorian Ombudsman.

## **Part F - Withdrawing a Complaint**

(49) A student may withdraw a complaint at any time.

(50) The University retains the right to investigate and address matters raised in a complaint, even in cases where a complaint has been withdrawn, in order for the University to meet its obligations to all students and staff to maintain, as far as is reasonably practicable, a safe and healthy work and study environment.

(51) The University makes no undertaking to expunge any records of the complaint.

## **Part G - External Complaint Avenues**

(52) Students may also choose to lodge a complaint with an external organisation such as the Australian Human Rights Commission, Victorian Privacy Commissioner, Victoria Police or Victorian Ombudsman. Some external agencies require that all relevant University complaints processes have been exhausted before they will consider the matter.

(53) If a complaint is accepted for investigation by an external organisation, the University will normally suspend any in-progress review or University investigation until the external investigation has been completed and all reports submitted.

(54) The Student Conduct and Investigations Office may assist students to determine whether another organisation can handle the matter more effectively.

## **Part H - Recording and Reporting of Complaints**

(55) The University will record all complaints in accordance with the requirements of the [Higher Education Threshold Standards 2015](#) and the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#). Complaints are recorded within the [Student Complaint Management system](#).

(56) A report is produced each year by Student Conduct and Investigations for submission to Education Committee. The report includes:

- a. a summary of complaints received during the previous year and an analysis of trends from previous years;
- b. information on the quality and timeliness of complaint handling;
- c. identification of serious complaints and systemic issues;
- d. information concerning procedural or other changes that may have been made in response to complaints and any recommendations for the future.

(57) Following endorsement by the Education Committee the report is submitted to the Vice-Chancellor who will refer the report to the University Council for noting.

## Section 5 - Definitions

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

- a. Anonymous complaints: Where the person making the complaint withholds their name or identity.
- b. Complaint: A complaint is a problem, concern or grievance about the University or the University environment.
- c. 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.
- d. External Agencies: Agencies outside the University, 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.
- e. Procedural fairness: a legal concept that is sometimes used interchangeable with natural justice. What is procedurally fair will depend on the circumstances. It generally involves:
  - i. the right to be told of allegations to be put to a person in sufficient detail to enable them to respond. This will not necessarily involve the person being given all information, and some confidential information and original documents may not necessarily be provided;
  - ii. an opportunity to answer to allegations before any decision is made, including sufficient time to respond; and
  - iii. a requirement that a decision maker is not biased and gives genuine consideration to whatever response is given by a person.
- f. Parties to the complaint: University staff members or students who are the subject of a complaint.
- g. 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.
- h. 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.
- i. University community: All students, staff, visitors to the University, contractors and other workers employed by the University, University tenants and their staff.
- j. Victimisation: Victimisation is subjecting or threatening to subject another person to any detriment because that person, in good faith, has made a complaint, 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>	Current
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