

# Student Complaints Management Policy

## Section 1 - Key Information

<b>Policy Type and Approval Body</b>	Administrative – Vice-Chancellor
<b>Accountable Executive – Policy</b>	Deputy Vice-Chancellor (Academic)
<b>Responsible Manager – Policy</b>	Deputy Director, Integrity Office
<b>Review Date</b>	30 May 2027

## Section 2 - Purpose

(1) This Policy outlines the mechanisms for students (and other relevant individuals outlined in the Scope section) to lodge a complaint about an aspect of University life including academic and non-academic matters. The Policy aligns with the following key legislation and codes:

- a. the [Higher Education Standards Framework 2021](#)
- b. the [Educational Services for Overseas Students Act 2000 \(Cth\)](#) and the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) - Standard 10.

## Section 3 - Scope

(2) Unless specifically exempted in this document this Policy applies to the following individuals (for ease of reference all are referred to as students, or where appropriate, complainants in this policy):

- a. persons seeking admission to, or currently or previously enrolled in, any La Trobe University subject or award course, including those conducted by third parties;
- b. participants in short courses.

(3) 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.

(4) The student complaints process may be used to raise concerns or submit complaints about:

- a. service delivery/administration issues, including university facilities;
- b. matters of process related to the University experience;
- c. academic standards and educational quality issues;
- d. 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 and student accommodation.

(5) The student complaints process does not include complaints about inappropriate conduct or behaviour by students, staff or third parties. All conduct and behaviour 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](#), or other relevant policy as appropriate.

(6) 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 disputes regarding:

- a. eligibility for Special Consideration (refer to the [Assessment Procedure – Adjustments \[incorporating Special Consideration\]](#));
- b. academic progress determinations ([Academic Progress Statute 2010](#) and associated policies);
- c. academic misconduct determinations ([Academic Integrity Statute 2015](#), [Student Academic Misconduct Policy](#))

## Complaints from the Public and Non-La Trobe students

(7) In the absence of a formal public complaints mechanism at the University, consumers of any La Trobe University services who are not La Trobe students, including students of other institutions who reside in La Trobe University student accommodation, may submit a complaint through the Student Complaints Office. The Student Complaints Office may facilitate a response by engaging with the relevant area of the University.

## Section 4 - Key Decisions

Key Decisions	Role
Appointment of an investigator	Manager, Student Complaints
Determination and implementation of complaint outcomes	Head of relevant school or business area
Communication of outcomes to student/s	Manager, Student Complaints

## Section 5 - Policy Statement

(8) 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.

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

- a. is easily accessible for all students and that is sensitive to the needs of the diverse community in which it operates;
- 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 and reprisal.

(10) The complaints process complements other University processes 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.

(11) 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.

(12) Complaints will be managed in accordance 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.

(13) Complainants 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.

## Section 6 - Procedures

(14) The University has established the Student Complaints Office and the [Student Complaints Management System \(SCM\)](#) to coordinate the management of complaints at no cost to complainants.

(15) 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. The support person's role is to observe the meeting and provide support and guidance, as requested, but they may not speak on behalf of the party they are supporting.

### Part A - Complaints Pathways

(16) Individuals may choose to pursue a complaint through:

- a. informal local level discussion; or
- b. submission of a complaint via the [SCM](#).

(17) Complainants are encouraged to attempt to resolve matters at the local level, where it is reasonable and appropriate to do so. Students may choose to lodge a complaint via the [SCM](#) where they are not comfortable engaging in local level resolution, or if an attempt at local level resolution has been unsuccessful.

(18) Confidential and free Student Advocacy Services are provided to assist current students to speak to staff members about their concerns. Information about other support services available to students and to participants enrolled in short courses is provided on the [Student Complaints webpage](#).

### Part B - 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 issue they should, where appropriate, endeavour to resolve the issue to the satisfaction of all parties. All solutions offered and implemented must be in accordance with La Trobe policies.

(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 SCM**

(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) Complaints must be lodged in writing, normally via the web form provided on the [SCM](#), but are also accepted via email or registered post.

(25) Each complaint must specify the details of the matter about which the complaint is being made. For the purposes of conducting an investigation and the provision of an outcome, 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) The Student Complaints Office acknowledges the receipt and commences assessment of complaints submitted via the [SCM](#) within 10 business days. The acknowledgement to complainants 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;
- c. time frames in which it is expected that these processes will occur. Complainants will also be informed if the Student Complaints Office considers that their complaint may take longer than 60 calendar days to resolve, either at the commencement of the investigation process or during the course of the investigation.

## **Part D - Complaint Investigation**

(28) When a complaint is lodged, the Student Complaints Office may contact the complainant to gather information about the circumstances of their complaint, to clarify their concerns and identify possible avenues for resolution.

(29) The Student Complaints Office manages the complaint process, including:

- a. conducting an initial assessment of the complaint and appointing an investigator where appropriate;
- b. notifying the parties of the investigation and providing information regarding processes and timelines;
- c. arranging investigation activities such as interviews;
- d. gathering any information required for the investigation, including relevant policies, procedures and protocols;
- e. handling final communications to all parties.

(30) Where it is determined that investigation of a complaint is required the Manager, Student Complaints appoints an investigator who may be:

- a. a staff member from within the Student Complaints Office; or

- b. another staff member from either within the relevant school or business area or another area of the University. The staff member responsible for investigating the complaint must not have a real or perceived conflict of interest, including any prior involvement in handling the complaint.

(31) In serious or complex circumstances, a complaint may be referred to another area of the University, such as People & Culture and/or Legal Services. Where this occurs the Student Complaints Office continues to monitor the progress of the complaint and maintains records of the outcome.

(32) Where appropriate the Student Complaints Office may recommend to the parties that mediation or other alternative dispute resolution methods may be suitable for resolving the matter.

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

### **Possible Outcomes**

(33) An investigation will determine that a complaint is not substantiated, partially substantiated, or substantiated. A determination that a complaint is substantiated or partially substantiated may lead to any combination of the following recommendations, 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).

### **Determination and Implementation of Outcomes**

(34) The relevant school or business area must make a determination regarding the proposed outcome and provide a response to the Student Complaints Office within 10 business days of the conclusion of the investigation.

(35) Where the responsible person within the Student Complaints Office has any concerns regarding the appropriateness of the proposed outcome they will escalate the matter to the Deputy Director, Integrity Office.

(36) Where a complaint outcome results in a decision or recommendation in favour of the complainant, the relevant school or business area will immediately implement the decision or recommendation and/or take the preventative or corrective action required.

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

(37) The Student Complaints Office will advise the complainant of the outcome of the complaint in writing within 10 business days of the outcome being finalised and will monitor the implementation of the complaint outcome.

(38) 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 complainant'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 where applicable, through an external agency such as the [National Student Ombudsman](#).

(39) Where a complainant has any concerns about the way in which their complaint has been managed (as opposed

to the outcome of their complaint), including any concerns about a breach of confidentiality, they may lodge a complaint with the Office of the University Ombudsman. If their concerns relate to the way in which their complaint is handled by the University Ombudsman, they may lodge a complaint with any of the external agencies listed below.

## Part F - Withdrawing a Complaint

(40) A complainant may withdraw a complaint at any time.

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

(42) The University makes no undertaking to expunge any records of withdrawn complaints.

## Part G - External Complaint Avenues

(43) Complainants may also choose to lodge a complaint with an external organisation such as the Australian Human Rights Commission, Victorian Privacy Commissioner, Victoria Police or [National Student Ombudsman](#). Some external agencies require that all relevant University complaints processes have been exhausted before they will consider the matter. For further information on complaints considered by the [National Student Ombudsman](#), go to [Making a complaint | National Student Ombudsman \(NSO\)](#).

(44) 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.

(45) The Student Complaints Office may assist complainants to determine whether another organisation can handle the matter more effectively.

## Part H - Recording and Reporting of Complaints

(46) The University will record all complaints in accordance with the requirements of the Higher Education Threshold Standards 2021, the National Code of Practice for Providers of Education and Training to Overseas Students 2018 and the University's [Records Management Policy](#). Complaints lodged in the [SCM](#) are recorded within the system.

(47) A report is produced each year by the Student Complaints Office for submission to the 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.

(48) Following endorsement by the Education Committee the report is submitted to Academic Board who will refer the report to the University Council for noting.

(49) The University Ombudsman submits an annual report to University Council on the activities of the Office of the Ombudsman. The report includes an analysis of contacts, resolution times and a summary of academic and administration issues.

## Section 7 - Definitions

(50) For the purposes of this Policy and Procedure:

- a. anonymous complaints: where the person making the complaint withholds their name or identity
- b. complaint: a problem, concern or grievance about the University or the University environment
- c. complainant: a person who has made a complaint about an aspect of the University or the University environment
- 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 decisions in investigating a complaint
- e. exceptional circumstances: those circumstances that are beyond an individual's control for which there was no opportunity to prepare in advance.
- f. 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, [National Student Ombudsman](#) or Victoria Police.
- g. partially substantiated complaint: part of the substance of the complaint is established based on the available evidence, and part is unsubstantiated.
- h. participant: a person registered in a short course run by the University
- i. Procedural Fairness: a legal concept that is sometimes used interchangeably with natural justice. What is procedurally fair will depend on the circumstances but generally involves:
  - i. the right to be told of allegations in sufficient detail to enable a person 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;
  - iii. a requirement that a decision maker is not biased and gives genuine consideration to whatever response is given by a person.
- j. parties to the complaint: University staff members or students who are the subject of a complaint
- 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. substantiated complaint: the substance of the complaint is established based on the available evidence.
- m. university community: all students, staff, visitors to the University, contractors and other workers employed by the University, University tenants and their staff
- n. unsubstantiated complaint: the substance of the complaint is unable to be established based on the available evidence, or the available evidence disproves the substance of the complaint.
- o. victimisation: 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.

## Section 8 - Authority and Associated Information

(51) This Policy is made under the [La Trobe University Act 2009](#).

(52) Associated information includes:

- a. [Student Complaints webpage](#)





## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	30th May 2024
<b>Review Date</b>	30th May 2027
<b>Approval Authority</b>	Vice-Chancellor
<b>Approval Date</b>	30th May 2024
<b>Expiry Date</b>	Not Applicable
<b>Responsible Manager - Policy</b>	Kat Norder Deputy Director, Integrity Office
<b>Enquiries Contact</b>	Student Conduct and Investigations