Policy on Handling Student Complaints

1. BACKGROUND AND CONTEXT

The University of Technology Sydney is committed to providing a learning and working environment in which complaints are responded to promptly and with minimum distress and maximum protection to all parties. As part of its commitment to creating a supportive and open organisational culture, the University is committed to ethical and responsible management, transparency in its decision-making processes, and a visible, accessible and fair complaints process. The University views student complaints as providing an opportunity to review and improve its policies and practices, and also to gain insight into student levels of satisfaction.

2. PURPOSE AND SCOPE

This policy applies to all aspects of a student's educational experience at UTS. Students may make a complaint about:

- other students of the University
- academic and support staff (including continuing, contract, sub-contract or casual, visiting appointments, guest lecturers)
- visitors to the University, or
- people external to UTS that students interact with as part of an approved external program of study such as work experience, industrial or clinical placements, exchanges or work-based learning units.

Students may make a complaint about any matter which relates to their program of study at UTS, even if the incident which is the basis of the complaint did not occur on campus. The scope of this policy includes incidents arising from field trips, external placements, exchanges, UTS social functions, offshore or distance education courses, etc.

3. DEFINITIONS

What is a complaint?

A complaint is a statement expressing dissatisfaction made to a manager or other person in authority at UTS that requires action or response. The person making the complaint (‘the complainant’) will have to be identified to the person complained about (‘the respondent’), unless the facts of the complaint are not disputed.

In a large and complex community such as UTS, interactions between students and other students and staff are many and varied. UTS seeks feedback from students about administrative and academic programs and services using a range of surveys and other feedback mechanisms, and acts to address any issues identified. The University recognises that critical comment and response are an important part of the collective endeavour to improve the quality of educational programs and community life, and such feedback would not normally be viewed as a complaint unless specific action was requested. In some cases however, students may feel that they have experienced unreasonable treatment, disadvantage or distress which they want to make a complaint about.
4. POLICY PROVISIONS

4.1 Principles for complaint handling at UTS

The University's procedures for handling student complaints are based on confidentiality, impartiality, procedural fairness, protection from victimisation and prompt resolution.

Where appropriate, complaints will be resolved at the lowest possible level of management. However, the University recognises that some complaints are most appropriately dealt with at a more senior level, for example complaints of victimisation or unlawful discrimination or harassment, complaints that could lead to a finding of misconduct or disciplinary action being taken against a staff member or student.

Procedural fairness will be observed in all aspects of handling a complaint. In practice, this means that all parties to a complaint will be informed of the complaint, the specific allegations being made, and all parties will be given the opportunity to respond to any allegations made. Procedural fairness usually requires that the complainant must be willing to be identified to the subject of the allegation unless the facts of the matter are not in dispute, or where the matter involves allegations of corruption, maladministration, serious waste of public money or child abuse.

All parties to a complaint may, if they choose, seek advice from and/or be assisted and/or represented by their chosen representative. Such representatives will not be a barrister or solicitor in private practice.

The University will usually not accept anonymous complaints. Possible exceptions include where matters involve allegations of corruption, maladministration, serious waste of public money. Such matters could involve significant public interest issues or a serious abuse of power. The identity of the person making the claim is not always essential for the proper investigation of such a complaint. Managers should refer all anonymous complaints about corruption, maladministration or serious waste to the Deputy Vice-Chancellor (Corporate Services) for initial advice and assessment. Further action may be taken if the anonymous complaint contains sufficient information to make out a prima facie case or to carry out an investigation. Managers must refer all anonymous complaints about child abuse to Director, Human Resources for advice and assessment.

*No complaint will be pre-judged.*

Staff have a responsibility to respond to complaints within a reasonable timeframe. Complaints will be responded to as quickly as possible in the circumstances, and complainants will be advised of the proposed timeframe for resolution. Unless a complaint is unusually complex or involves allegations of misconduct, the University will achieve resolution of a complaint within 4 weeks of the complaint being lodged with the appropriate person in authority. If it is not possible to achieve resolution within this timeframe the complainant will be advised of this, and will be kept informed of the progress of the matter. Students should be aware that if the matter has been lodged initially at an inappropriate level of authority, it may take longer to respond to the complaint.

Staff will ensure that they have no conflict of interest or bias in relation to any party to the complaint, and that there is no perception by the parties that they have a conflict of interest or bias. If the person in authority does not believe they can handle the complaint in an impartial way, they will exclude themselves from the process, and refer the matter to their supervisor. If one of the parties to the complaint believes that the person in authority has a conflict of interest or bias, they should refer the matter to that person's supervisor.

Confidentiality will be respected wherever possible within the constraints of the need to fully investigate the complaint, and matters pertaining to the complaint will not be discussed beyond the parties to the complaint, their chosen representatives (where applicable) and staff involved in resolving the complaint. In some cases resolution of the complaint may also involve appropriate bodies external to the University, for example statutory bodies.
Resolution of the complaint will usually take into account the preferred process of resolution of the person who made the complaint. However, there may be instances where a complaint is of such a serious nature that formal action is required that is beyond the wishes of the complainant, for example when a complaint raises or relates to allegations of unlawful behaviour or corruption or when the University's duty of care to staff or students may be compromised if no action is taken.

4.2 Responsibilities of managers, staff and students

Managers and other designated staff at UTS are responsible for responding appropriately to complaints and managing the resolution process in keeping with the University's complaint handling principles, relevant policies and procedures. They are also responsible for ensuring that staff and students involved in the complaint resolution process understand their rights and responsibilities in relation to this policy.

All students and staff have a responsibility to contribute to the achievement of a productive, safe and equitable study and work environment at UTS. In particular, students and staff have a responsibility to:

- participate in the complaint resolution process in good faith
- cooperate fully in any investigation process
- assist the complaint handler in reaching satisfactory resolution wherever possible
- avoid complaining about the same matter to several different units or individuals at the same time
- avoid making complaints or counter-complaints with a mischievous or malicious intent.

4.3 Accountability for student complaints

A key principle in the UTS complaint resolution process is that complaints are resolved wherever possible at the lowest appropriate level of management. A good guiding principle is for students to consider who would be the person most likely to have the relevant information to assist them in resolving their concern.

Students are encouraged to raise their complaint in the first instance directly with the person concerned. This is appropriate in matters where the student feels comfortable with making a direct approach, or where the complaint does not relate to allegations of unlawful behaviour (e.g., assault, illegal discrimination or harassment, corruption).

Where it is not appropriate for the student to raise the issue directly with the other person/s, they can make a complaint to a manager or other person in authority at UTS.

- In a faculty, the manager may be the Director of Program, Head of Department, Head of School, Associate Dean, Faculty Administrator or Dean (when other resolution options have failed). Students may choose to raise complaints and issues with other appropriate staff in the faculty such as the Course Adviser, Subject Coordinator, Faculty Academic Liaison Officer (who provides support for students with accessibility requirements), or the Responsible Academic Officer (if the complaint relates to an assessment matter).
- If the complaint relates to an administrative unit the manager would normally be the Director of the unit. In the case of a large unit, for example the Library, the person in authority may be the manager of the appropriate area in the Library.
- The Dean of the Graduate Research School is responsible for receiving and investigating complaints from postgraduate research degree students.
- Specialist units also have the authority to receive and investigate specific types of complaints. Complaints about unlawful discrimination or harassment can be lodged directly with the Equity and Diversity Unit. All complaints about corruption, maladministration or serious waste of public money should be referred to the Director, Internal Audit for advice and assessment. Complaints about child abuse that relate to the
conduct of UTS employees in the course of their employment with the University must be referred to the Director, Human Resources.

When all other avenues for complaint resolution have been exhausted, students may make a complaint to the Office of the Student Ombuds if their complaint relates to all administrative or some academic decisions.

All students have the option of making a formal written complaint to the Vice-Chancellor. However, if the complaint has not previously been considered at the appropriate level of management, the Vice-Chancellor will seek advice from that manager before responding to the complaint.

4.4 Assistance for students in making a complaint

Students may wish to seek advice and assistance in lodging a complaint from one of the specialist units of the University. The Equity and Diversity Unit can assist if the complaint relates to unlawful discrimination or harassment, or the Student Services Unit can provide counselling, practical assistance, advice on avenues of resolution, advocacy and mediation.

The Students' Association is the independent representative students' organisation on campus. The Students' Association employs casework staff to assist students with advice and advocacy in all aspects of academic, resource or other complaints and grievances.

4.5 How to make a complaint

A complaint to a person in authority will usually be in writing, and due to the requirements of procedural fairness the complainant will have to be identified unless the facts of the matter are not in dispute.

If the complaint is about a staff member, the complaint should be made to a manager/person in authority in the faculty or administrative unit in which the matter which led to the complaint occurred.

If the complaint is about another UTS student, the complaint should be made to a manager/person in authority in the faculty in which the matter which led to the complaint occurred.

If the complaint relates to behaviour by a person external to the University who the student is interacting with in the course of an approved external program of study (eg incidents arising from field trips, external placements, exchanges, etc.), the complaint should be made to a manager/person in authority in the faculty or unit coordinating the program.

If the complaint relates to affiliated bodies of the University, for example the UTS Students' Association, the UTS Union or Insearch, the complaint should be made with a manager/person in authority in these organisations (for example, the President of the Students' Association, or the Secretary/Manager of the UTS Union). If the complainant is not satisfied with the outcome, complaints relating to the University's affiliated bodies can at that stage be made to the University Secretary.

4.6 Outcomes of the complaint resolution process

Students will receive written advice of the outcome of their complaint. The outcome will be in keeping with the seriousness of the incident which was the basis of the complaint, and outcomes will be applied consistently across the University. Some of the possible outcomes of a student complaint include:

- Through the resolution process the student gains a better understanding of the situation so that his/her concerns are addressed.

- A mutually acceptable resolution is reached through conciliation or mediation.
The student receives an apology, and/or the issue or behaviour that was the basis of their complaint is modified.

In some cases, the complaint cannot be substantiated and no further action will result.

In more serious cases, the University's formal disciplinary processes will be invoked. Any disciplinary action will be undertaken in accordance with the processes prescribed in relevant industrial agreements (for staff) or the University's Rules (for students) (see UTS Rules). Formal warnings about inappropriate behaviour are a common outcome in the first instance, unless the behaviour is of a very serious nature (for example, involving repeated incidents of inappropriate behaviour or serious breaches of the code of conduct). The most serious breaches may result in expulsion (for students) or dismissal (for staff).

4.7 Further action

Students unsatisfied with the outcome of a complaint can pursue the complaint through other appropriate internal or external processes. Internally, the options may be the next level of management up to the Vice-Chancellor. Externally, the options include the NSW Anti-Discrimination Board (see the Board's website), the Australian Human Rights Commission for discriminations/harassment complaints (see the Commission's website), or the NSW Ombudsman for complaints relating to administrative decisions (see the NSW Ombudsman's website).

4.8 Documentation

All documentation relating to complaints will be kept strictly confidential and will not be accessible to anyone who is not directly involved in handling the complaint. Any material about the outcome of the complaint will be placed on the appropriate student and/or personnel file in accordance with the requirements of the Policy on Employee Records and the Policy on the Privacy of Student Records, and will only be accessible to authorised officers of the University and the individual concerned.

4.9 Relationship to other UTS policies

This policy does not override the established administrative or appeal procedures which would normally be followed in relation to academic matters, for example appeals against assessment grades, exclusion, etc.

5. AUTHORITIES AND ACCOUNTABILITIES

Refer to 4.2 and 4.3 above.

6. SPECIFICATION OF RELATED UTS AND OTHER RELEVANT DOCUMENTATION

- Code of Conduct (Staff)
- Handling Staff Grievances Vice-Chancellor’s Directive
- Staff Agreements — Discipline
- Policy on the Prevention of Harassment
- Fraud and Corruption Prevention and Public Interest Disclosures Policy and Guidelines
7. APPROVAL AND REVISIONS TABLES

7.1 Approval

<table>
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7.2 Revision/modification history

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<td>2</td>
<td>The paragraph, Further Action, was added</td>
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<td>15/08/2007</td>
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<td>01/01/2013</td>
<td>3.1</td>
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<td>13/08/2015 (effective date)</td>
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