

## Policy Title: Student Complaints

**Policy Owner:** Director, Strategic and Governance Services Centre

**Keywords:** 1) Complaints                      2) Administration                      3) Quality

**Policy Code:** PL207 (sa004)

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### 1. INTENT

- 1.1 The purpose of the Student Complaints Policy is to provide a constructive service environment that supports individuals to make or respond to complaints, and the University to learn from complaints.
- 1.2 Accordingly this Policy outlines the principles, roles and responsibilities in relation to student complaint handling at ECU. This Policy complements, but does not supersede, formal processes established under University Statutes, Rules, By-laws, or the provisions of relevant industrial agreements for the hearing of student appeals or specific matters of complaint designated under those instruments.

### 2. ORGANISATIONAL SCOPE

- 2.1 All ECU students and staff.

### 3. DEFINITIONS

TERM	DEFINITION
“complainant” means	A person, organisation or its representative making the complaint
“complaint” means	An expression of dissatisfaction about the University, related to its services or administrative practices, where a response is explicitly or implicitly expected
“business day” means	A weekday on which the University is open to the public for normal business operations.
“informal complaint” means	A complaint made to a member of staff through the course of the day-to-day operations of the University, received through feedback channels, face-to-face communication or by email or telephone (commonly resolved at the first point of contact).

TERM	DEFINITION
“formal complaint” means	A complaint that has not been resolved at the informal level, which is lodged in the prescribed manner with the Manager Legal and Integrity.
“Senior Officer” means	Line management positions, such as the Dean, Associate Dean, Director or Manager to whom formal complaints are referred for investigation.
“Manager Legal and Integrity” means	The person appointed from time to time by the University, to implement this Policy and attached Guidelines.
“Senior Compliance, Complaints and Integrity Adviser (SCCI Adviser)” means	The person appointed by the Manager Legal and Integrity to implement the attached Guidelines
“Student Complaint Management Guidelines” means	The Guidelines associated with this Policy.
“support person” means	A person other than a legal practitioner, for example, a Guild Officer or University Contact Officer, or another individual providing peer support to a party to a Complaint. A Support Person shall not be taken to mean persons acting on the behalf of parties to a complaint, as an agent or representative of a party to a complaint.

#### 4. POLICY CONTENT

- 4.1 ECU is committed to ensuring that student complaints are addressed fairly, promptly and at the most appropriate level in the University and that complaint handling will contribute to the quality improvement cycle at ECU. This commitment is consistent with the University’s long-term goal to be recognised for providing a world-class education and a fulfilling student experience.
- 4.2 The Policy does not apply to Academic Appeals.

#### 5. COMPLAINT MANAGEMENT PRINCIPLES

- 5.1 ECU’s management of student complaints will be guided by the following:
- 5.1.1 **Principles** – Student feedback and complaints are important mechanisms which assist the University to achieve its strategic priorities. Feedback from students provides a means by which the University can analyse and improve its services as part of its broader commitment to continual improvement.
  - 5.1.2 **Accessibility** – Information on how and where to complain should be readily available to staff and students; and the process of making a complaint should be free of charge, flexible and easy to understand for staff and students.
  - 5.1.3 **Responsiveness** – complaints should be acknowledged and acted on promptly and parties to a complaint should be kept informed about the progress of a complaint.
  - 5.1.4 **Procedural Fairness** – principles of procedural fairness will be observed appropriate to the circumstances, allowing for:

- a) parties to a complaint to have a reasonable opportunity to explain their position in relation to the dispute;
- b) objective assessment of the information provided by both parties by a person or persons other than the original decision-maker; and
- c) the provision of reasons for any decisions made, or conclusions reached, sufficient to enable a party to decide if they wish to challenge a decision or conclusion.

5.1.5 **Supportive** – The University's complaint handling process should demonstrate to individuals who are involved in a complaint that the personal and professional needs and expectations of students and staff are important.

5.1.6 **Confidentiality** - Principles of confidentiality will be observed in the course of handling a complaint and associated record keeping; notwithstanding that the disclosure of identifying or personal information to relevant staff will often be necessary in the course of complaint resolution.

5.1.7 **Support persons** – students making an informal or formal complaint are entitled to be accompanied by a support person when meeting with a University officer. The role of support persons under this Policy shall be to support parties to a complaint. Support persons shall not mean persons acting on the behalf of, or as an agent or representative of a party to a complaint.

5.1.8 **Accountability** – The University will be accountable for its actions and decisions.

## 6. COMPLAINT MANAGEMENT LEVELS

6.1 Wherever possible the University aims to resolve complaints at the earliest opportunity and most local level thereby reducing the potential for costs, delay or anxiety for all parties. The University therefore has a three stage process in complaint resolution:

### ***Informal Complaint***

6.2 In the course of staff members' day-to-day provision of a responsive service student concerns are often negotiated and resolved as and when they arise through, clear, reasonable and responsive communication between staff and students.

6.3 Students with a complaint should in the first instance attempt to resolve their concerns through discussions with a member of staff directly involved in the matter which has given rise to the complaint.

6.4 Where this is not possible, or where the student feels unable to contact the person most directly concerned, the student may elect to contact the Senior Officer of the area, for instance, an Associate Dean, course or unit coordinator or non-academic Manager.

6.5 A response to an informal complaint should be provided as quickly as possible, with students given advice as to when they should expect a response.

### ***Formal Complaint***

6.6 Where a complaint is not able to be resolved by the process described in sections 6.2 – 6.5, students may lodge a formal complaint with the Manager Legal and Integrity.

6.7 The Manager Legal and Integrity will be responsible for the administration of formal complaints lodged under this Policy, in accordance with the Student Complaint Management Guidelines.

- 6.8 Formal complaints will be acknowledged by the SCCI Adviser as soon as practicable, but no later than three business days after the lodgement of a complaint.
- 6.9 The University's response to a formal complaint will be issued within 30 business days of the lodgement of that complaint. The response issued to a complainant will provide reasons for any decision made in relation to a formal complaint. In consultation with the complainant, the SCCI Adviser may record an extension of time at the request of a Senior Officer investigating a complaint, on the grounds of operational need (taking into account such factors as the availability of key staff).
- 6.10 Expiration of periods for the acknowledgement or issuance of a formal complaint response will not invalidate a decision reached, but instead shall be used to benchmark the timeliness of the University's responses to student complaints.
- 6.11 A comprehensive record of each complaint will be kept by the SCCI Adviser documenting the complaint management process and documents associated with the response to a student complaint. These records will be retained in a confidential University file, in accordance with the University's Record Management Policy.

### ***External Complaint***

- 6.12 Following the provision of a response to a complaint lodged with the SCCI Adviser, students may choose to lodge a complaint with an external agency, notwithstanding that in some circumstances complainants are able to approach an external organisation prior to the conclusion of a formal, internal review of a complaint.
- 6.13 Most external agencies involved in the review of such complaints require complainants to have exhausted avenues for the internal review of their complaint. When closing a complaint, the SCCI Adviser will provide complainants with details of external avenues of complaint that may be available, for instance, the WA Ombudsman, Worksafe, the Human Rights and Equal Opportunity Commission, the State Administrative Tribunal or other external agencies that may be relevant depending on the nature of the complaint.

## **7. CENTRAL LODGEMENT, REFERRAL AND RESPONSE**

- 7.1 The Strategic and Governance Services Centre will maintain a visible and accessible formal complaint handling process, allowing for students to lodge complaints about the services or administrative practices of the University.
- 7.2 Where requested, the Strategic and Governance Services Centre will make this point of lodgement available to academic or service areas which currently maintain processes for the hearing of student grievances. Accordingly, procedures consistent with relevant Rules, By-Laws or University policy providing for the referral of such matters will be attached to this Policy.
- 7.3 Matters of complaint which fall outside this Policy and/or the Student Complaint Management Guidelines will be referred by the Manager Legal and Integrity to the most appropriate office or offices of the University to consider these.

A record will be retained by the SCCI Adviser of the complaint, the reasons for the referral and the outcome of the referral.

- 7.4 Complaints about staff which involve corrupt conduct will be directed to the Risk and Assurance Service Centre.
- 7.5 Complaints which are determined by the SCCI Adviser to be frivolous, vexatious or malicious will be recommended to the Manager Legal and Integrity for dismissal.

A record of each complaint so dismissed, along with the reasons for the dismissal, will be made on the complaint file and provided to the student. Dismissal of a complaint will not preclude the student from seeking an external avenue of complaint.

## 8. RESPONSIBILITIES

- 8.1 Consistent with the Quality@ECU Model, **all staff** members will be responsible for ensuring that student informal complaints about the administrative practices or services of the University, as may be brought to their attention, are treated with due consideration, are dealt with in a timely manner and in accordance with the principles outlined in this Policy and acted upon or referred to the appropriate area of the University for resolution.
- 8.2 The **Manager Legal and Integrity** will be responsible for the design and delivery of resources aimed at strengthening student complaint management in the University and the implementation of this Policy and the Student Complaint Management Guidelines.
- 8.3 The **SCCI Adviser**, at his/her discretion, will be able to make additional enquiries to ensure all relevant information and advice regarding a complaint are fully explored.
- 8.4 **Senior Officers** will be responsible for ensuring that complaints referred to them for investigation or resolution will be dealt with in a timely manner and in accordance with the principles outlined in this Policy.
- 8.5 The **Director, Strategic and Governance Services Centre** will be responsible for the implementation and review of the Student Complaints Policy and the Student Complaint Management Guidelines made under this Policy.

## 9 RELATED DOCUMENTS

- 9.1 The Policy is supported by the following Guidelines:
- *Student Complaint Management Guidelines*
- 9.2 Other documents which are relevant to the operation of this Policy are as follows:
- Australian Standard *Customer satisfaction – Guidelines for complaint handling in organizations (AS ISO 10002–2006)*;
  - Specific forms of complaint may be governed by provisions under Statutes, Rules or By-Laws and these would take precedence over the Student Complaints Policy when applicable. Refer to the Student Complaint Management Guidelines for further detail.

## 10 CONTACT INFORMATION

For queries relating to this document please contact:

Policy Owner	Director, Strategic and Governance Services Centre
All Enquiries Contact:	Manager Legal and Integrity
Telephone:	6304 2158
Email address:	<a href="mailto:integrity@ecu.edu.au">integrity@ecu.edu.au</a>

## 11 APPROVAL HISTORY

Policy Approved by:	Vice-Chancellor
Date Policy First Approved:	September 2001
Date last modified:	May 2016
Revision History:	<ul style="list-style-type: none"> <li>• Approved 5 Sept 2001</li> <li>• Revised 2002</li> <li>• Revised 2007 (minor amendments in light of ESOS requirements)</li> <li>• August 2009 (major revision)</li> <li>• September 2012 – addition of the Student Complaint Reference Group</li> <li>• Revised 2016</li> </ul>
Next Revision Due:	May 2019
TRIM File Reference	SUB/7408

## STUDENT COMPLAINT MANAGEMENT GUIDELINES

*Linked to: Student Complaints Policy*

### Code:

1. [RECEIPT](#)
2. [ACKNOWLEDGEMENT](#)
3. [REFERRAL](#)
4. [INVESTIGATION](#)
5. [RESPONSE](#)
6. [DEALING WITH UNREASONABLE COMPLAINANT CONDUCT](#)
7. [DATA TRACKING](#)
8. [TRAINING AND REVIEW](#)
9. [REFERENCES](#)
10. [CONTACT INFORMATION](#)

### 1. RECEIPT

**1.1 The SCCI Adviser will make available Complaint Forms and supporting information allowing for the submission of complaints concerning University services or administrative practices:**

- *through the Student Complaints website; and*
- *through the provision of envelopes and Complaint Forms to Student Central.*

**1.2 Complaints will be submitted in writing, and preferably on the prescribed form:**

- *by post*
- *by fax*
- *by email.*
- *by hand to Student Central*

**1.3 Threats of self-harm** – these threats either in writing or advised verbally will be taken seriously and reported immediately to ECU Counselling Services and the Director, Student Services Centre.

**1.4 Complaints not submitted on the prescribed form, will be evaluated by the SCCI Adviser and actioned if possible:**

- *in a manner that is mindful of access and equity considerations relating to students with disabilities or those students who are studying offshore; and*
- *provided sufficient information is available to allow for a complaint to be documented and considered i.e.*

#### *Personal Information*

- a) *Name*
- b) *Student Number*



- c) *Student email address*
- d) *Residential and Postal Address*
- e) *Telephone Number*

*Complaint Information*

- a) *Description of the complaint*
- b) *Description outlined in the Steps Taken to Resolve Complaint*
- c) *Description of the Desired Outcome*

**1.5 Complaints will be evaluated to determine whether attempts to resolve the complaint have been made by the complainant; and whether the complaint describes matters which fall outside the Student Complaints Policy.**

Existing processes exist for the following matters:

- o *For academic appeals, refer to <http://intranet.ecu.edu.au/student/my-studies/exams-and-results/how-to-appeal>;*
- o *For general student misconduct – Refer to *General Misconduct Rules (Students)**
- o <http://www.ecu.edu.au/centres/strategic-and-governance-services/our-services/policy-and-legislation/university-statutes-rules-and-by-laws>*For academic misconduct, refer to *Academic Misconduct Rules*,*

<http://www.ecu.edu.au/centres/strategic-and-governance-services/our-services/policy-and-legislation/university-statutes-rules-and-by-laws>

## **2. ACKNOWLEDGEMENT**

**2.1** Complaints will be acknowledged by the SCCI Adviser within three business days by:

- o *email, to promptly acknowledge receipt; and/or*
- o *telephone, to listen to the student's concerns; and/or*
- o *post, to provide a formal acknowledgement and a copy of the Student Complaints Policy and Guidelines.*

**2.2** When acknowledging international students' complaints, the SCCI Adviser will provide information about ECU's obligation to maintain student enrolment while complaints are ongoing.

**2.3** The acknowledgement will also provide information regarding the right of students to have a support person with them should they be asked to meet with a University officer.

**2.4** The acknowledgement will advise the complainant it is their responsibility to provide the investigator with all relevant information they want considered by the investigator.

## **3. REFERRAL**

**3.1** **If there has been no apparent attempt to resolve the complaint informally, in the first instance, the SCCI Adviser will request the student to approach the staff member directly to attempt to resolve the complaint informally.**

**3.2** **If, after consultation with the complainant, the SCCI Adviser is of the view that it is unreasonable to ask the student to attempt to resolve the matter, the SCCI Adviser may use his/ her discretion and refer the concerns to a School or Service Centre Officer identified as being in a position to advise on or progress complaint resolution.**



The purpose of this referral is to seek a positive outcome for the University and student through prompt assistance by the SCCI Adviser towards identifying the most appropriate person(s) to respond to the concerns.

The request to attempt informal resolution of the complaint and any referral will be recorded and be retained in the University's official record-keeping system by the SCCI Adviser.

- 3.2 Where the University has established mechanisms to deal with issues of student administration (for instance, matters relating to academic appeals, student misconduct), the SCCI Adviser will advise the student to refer these concerns to the appropriate area for information on initiating the necessary processes.**

The aim of this referral is to seek a positive outcome for the University and student through prompt assistance by the Strategic and Governance Services Centre towards identifying the most appropriate process to resolve or address the student's concerns. The complaint and referral which will be retained in the University's official record-keeping system by the SCCI Adviser.

- 3.3 Where an informal complaint has been attempted by a complainant and a complainant describes concerns about services or administrative practices of the University, the Student Complaints Manager will refer the complaint for investigation and response to a Senior Officer or Senior Officers in the area or areas to which the complaint relates.**

The aim of this referral is to designate the review of a student complaint to the person or persons responsible for overseeing the relevant aspect of service or administration in the University.

The Students Complaints Manager will provide information reminding investigators of the basic steps and requirements to be observed when undertaking enquiries for the purposes of the investigation. This information will be in the form of an online Student Complaints Investigation module which investigators will be able to access. The Students Complaint Manager will also arrange a confidential University file to be created for the keeping of records relating to the complaint and a complaint summary added to an annual Complaint Register.

## 4. INVESTIGATION

- 4.1 Commensurate with the nature of the complaint referred for investigation, reasonable efforts to communicate with the complainant (which may be by telephone, in-person or via e-mail) should be made to ensure the matters of a complaint are understood.
- 4.2 The SCCI Adviser may, at his/her discretion, undertake enquiries in addition to the investigating Senior Officer(s) enquires, to ascertain any additional information or advice which can be added to the final response to the complainant.
- 4.3 Consideration should be given as to whether a formal conciliation between parties to a complaint might be appropriate and productive in the circumstances. A determination on this issue should be made by the Senior Officer(s), in consultation with the SCCI Adviser and taking into account external services, for instance the WA Department of Education Services International Conciliator.
- 4.4 The complaint management and investigation process shall be conducted in accordance with any other relevant principles of procedural fairness.

## 5. RESPONSE

- 5.1 **A response will be provided to a complainant within 30 business days. The response issued to a complainant will provide written reasons for any decision made in relation to a formal complaint.**

The University will aim to conduct a prompt and authoritative review of concerns lodged under the Student Complaints Policy, addressing a student's concerns through corrective action when determined to be necessary and contributing to continuous improvement in the organisation where possible.

Reasons must be recorded for all significant decisions taken during the complaint management process.

A report will be produced by the investigating Senior Officer(s) for the SCCI Adviser who will draft a response on behalf of the investigator. The draft response will be forwarded to the investigator(s) for any additions or corrections. The draft will be returned to the SCCI Adviser for correcting, if required, and sending to the complainant via email and hardcopy. A copy of the signed, final response will be forwarded to the investigator for their records.

- 5.2 **Complainants will be advised of external avenues of complaint that may be accessed either at the conclusion of the University's review of the complaint (i.e. the WA Ombudsman), or at any stage (i.e., the Human Rights and Equal Opportunity Commission) where relevant or as required under legislation.**

## 6. DEALING WITH UNREASONABLE COMPLAINANT CONDUCT

### 6.1 Guiding Principles

Students have a right to complain about the University's decisions and actions. All complainants should expect their grievance to be treated seriously and promptly by the University.

The University has a right to decide how to deal with a complaint. This includes making decisions on the issues which will be investigated, who will conduct the investigation, the time and resources to be allocated to the complaint, the assistance the complainant needs to provide and how the complaint will be resolved.

Unreasonable complainant conduct during the investigation process can significantly undermine the effectiveness of the process. Unreasonable complainant conduct can, in some circumstances, raise substantial health, safety, or resourcing issues. The University reserves the right to take appropriate steps in response to any such behaviour.

- 6.2 For the purposes of these Guidelines, the following kinds of behaviour constitute unreasonable complainant conduct ('UCC'):
- **Unreasonable persistence** – refusing to accept that a complaint is closed, re-framing an old complaint, persevering obstinately with an argument, continuing to phone or contact the University after a matter is closed.
  - **Unreasonable demands** – raising issues beyond the University's responsibilities, asking for a remedy that is impractical or disproportionate, insisting that more time be spent on a complaint than is warranted, insisting on speaking to the Vice-Chancellor, directing the University on how to handle the complaint.
  - **Unreasonable lack of cooperation** - an unwillingness by a complainant to cooperate with the University staff that results in a disproportionate and unreasonable use of University services, time and/or resources including being unwilling to consider

other valid viewpoints, or refusing to define their issues of complaint when they are capable of doing so.

- **Unreasonable arguments** - exaggerating issues, holding irrational beliefs, being obsessed with irrelevancies or trivialities, refusing to consider counter-arguments, being guided by conspiracy theories.
  - **Unreasonable behaviour** – threatening violence, or behaving in an abusive, aggressive or otherwise inappropriate manner towards investigation staff.
- 6.3 If the SCCI Adviser determines a complainant is engaging in UCC, the SCCI Adviser may, in his or her discretion, do one or more of the following:
- make directions regarding how the University will communicate with the complainant regarding the complaint (e.g directing the complainant to direct all their communications to a designated contact person, limiting communications with the complainant to a particular form of communication or limiting the communications with the complainant to particular times);
  - direct the complainant to limit the subject matter of their communications for the purposes of the investigation process to matters that relate to the complaint only and decline to consider any matters raised that are clearly extraneous or that are frivolous or vexatious;
  - set time limits for the various steps in the investigation process, including but not limited to, setting time limits for the complainant to provide any further information required by the investigating Senior Officer(s); and
  - elect not to respond to aggressive, threatening, or obscene correspondence or parts thereof.

- 6.4 Threats of violence or abusive behaviour towards investigation staff are unacceptable and will not be tolerated. Such behaviour is likely to amount to student misconduct. Staff encountering any such behaviour when communicating with a complainant, should respond in accordance with the University's Managing Violence in the Workplace Policy and report the matter to the Manager Legal and Integrity.

## 7. DATA TRACKING

### 7.1 Formal Complaints will be recorded.

The establishment of a central database will assist the University to analyse complaints to identify opportunities to improve service, identify areas of risk and/or identify policy issues within the University.

The SCCI Adviser will keep a record of basic complaint information, such as:

- The complainant's student number;
- A brief summary of the issues raised in the complaint;
- The subject of the complaint;
- The remedy/outcome sought;
- The action (attempts to resolve/conciliate/determination or referral/ dismissed) taken or proposed; and
- A brief statement for the above action.

Reports on complaints received (de-personalised to protect both students and staff) will be provided on a regular basis by the SCCI Adviser.

## 8. TRAINING & REVIEW

- 8.1 Guidelines for the management of student complaints will be reviewed regularly to ensure ongoing conformity with relevant legislation, including the requirements of *ESOS Standard 8: Complaints and Appeals, the Higher Education Support Act (2003)* and consistency with contemporary University practice. Staff will be trained in the implementation of these Guidelines.

*The Director, Strategic and Governance Services Centre will be responsible for the provision of training and awareness raising activities for staff involved in student complaint management.*

*The Director, Strategic and Governance Services Centre will review these Guidelines no less than every three years.*

## 9. REFERENCES

Policy Code:	SA004	File No: SUB/7408
Procedure Owner:	Director, Strategic and Governance Services Centre	
Approved by:	Originally by the Executive Director, Governance and Planning with subsequent amendments approved by the Vice-President (Corporate Services) and Senior Deputy Vice-Chancellor	
Date Approved:	August 2009	
Revision Date:	May 2019	
Amendments:	<p><b>February 2010</b>, Information added to Guidelines, Section 4 describing the role of the Conciliator.</p> <p><b>April 2010</b>, Information about ESOS Standard 8 added to Guidelines;</p> <p><b>September 2012</b> Guidelines revised and addition of Terms of Reference and procedures for the Student Complaints Reference Group.</p> <p><b>May 2016</b>, Guidelines revised with the deletion of Terms of Reference and Procedures for the Student Complaints Reference Group. Additional information relating to Unreasonable Complainant Conduct.</p>	
Related Policies/Documents:	<p><i>Student Complaints Policy</i></p> <p>For more information about student complaints handling; see also NSW Ombudsman (2006) <i>Complaint Management in Universities: Best Practice Guidelines</i>, Available at <a href="http://www.ombo.nsw.gov.au">http://www.ombo.nsw.gov.au</a></p> <p><i>ESOS Standard 8: Complaints and Appeals Explanatory Guide</i>; see <a href="http://www.aei.gov.au/AEI/ESOS/NationalCodeExplanatoryGuide/PartD/Standard_8.htm">http://www.aei.gov.au/AEI/ESOS/NationalCodeExplanatoryGuide/PartD/Standard_8.htm</a></p> <p>Commonwealth Ombudsman: Fact Sheet. <i>Unreasonable complainant conduct</i>  <a href="http://www.ombudsman.gov.au/_data/assets/pdf_file/0031/35599/Unreasonable-complainant-conduct.pdf">http://www.ombudsman.gov.au/_data/assets/pdf_file/0031/35599/Unreasonable-complainant-conduct.pdf</a></p>	

## 10. CONTACT INFORMATION

For information about student complaint handling or lodging a student complaint at ECU:

Contact Person:	Clarke Drury, Manager Legal and Integrity
Telephone:	6304 2158
Email:	<a href="mailto:integrity@ecu.edu.au">integrity@ecu.edu.au</a>