

# STUDENT COMPLAINTS RESOLUTION POLICY

(Amended Academic Council (R9/02, R45-46/03, R152/06))

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## 1. **Policy**

Consistent with its aim to provide a high quality service to every student and with the principles of the University's Charter of Student Rights and Responsibilities, the University welcomes students' feedback about their University experience and provides a complaints resolution process designed to address effectively and fairly every complaint or appeal registered by a student about any aspect of that experience.

### 1.1 **Definitions**

For the purpose of this policy:

“Appeal” means a request for reconsideration of a decision.

A “complaint” is an expression of dissatisfaction made to the University by a student in relation to the University, a student or a staff member where a response or resolution is explicitly or implicitly expected.

“Complainant” is an individual or several individuals who lodge a complaint.

A “Grievance” is an expression of dissatisfaction about the University or about a student or member of staff. A grievance is the dissatisfaction an individual feels rather than the action taken.

"Respondent" is an individual, several individuals or an organisational unit of the University who is/are alleged by a complainant to be responsible for the circumstances comprising the complaint.

"Student" includes all undergraduate, postgraduate and research students and means:

- an individual enrolled in an award course;
- an individual enrolled through University Extension as a continuing education student in a unit offered within an award course;
- an individual enrolled in a preliminary course for a PhD or masters;
- an individual enrolled in an enabling course or a bridging course or similar;
- an individual enrolled for an award course at another institution who enrolls on a cross-institutional basis in a unit offered within an award course at this University;
- an individual undertaking a higher degree by research under the supervision of a UWA staff member; or
- an individual previously covered by one of the above categories, except where precluded by the provisions of a relevant policy.

(A staff member may be defined as a 'student' for the purposes of this Policy if they are also a student of the University and are enrolled or previously enrolled as above.)

(For the purposes of this policy any and all references to a "student" are to be interpreted as applying to an individual student or to more than one student. Thus a student may lodge a complaint under this policy jointly with another student or students.)

"University" includes any of the University's constituent entities, whether in Australia or elsewhere, and any person acting in the capacity as a representative of the University or any of its constituent entities.

## **1.2 Scope of Policy**

- 1.2.1 The University has a range of policies dealing with complaints or appeals in particular areas. A list of such specific policies is set out in Appendix 1. Where such a policy exists, that policy, including any time limits specified in it, must be followed. The procedures set out in this document are for use only where no specific policy is applicable.
- 1.2.2. A student enrolled in a unit offered by another university (for example cross-university enrolment in Australia, exchange overseas, study abroad, etc.), even though the unit may be credited to the student's course at the University of Western Australia, is subject to the procedures of the university or other institution offering that unit.
- 1.2.3 The University ensures that, in any collaborative arrangement with another institution, the authority of each institution in relation to student complaints is clearly defined.
- 1.2.4 It is important to recognise that this Policy operates in conjunction with many other policies some of which may constrain possible resolutions (for example a student may wish to see a staff member dealt with in a particular way, but this may not be possible under industrial law or other University Policies.)

## **1.3 Rights and Responsibilities of Parties to the Complaint**

- 1.3.1 The rights and responsibilities of students in relation to the procedures for grievances, appeals and complaints are as identified in the University's Student Charter of Student Rights and Responsibilities which states:

### *6. Procedures for Grievances, Appeals and Complaints*

#### *6.1 Every student has the right:*

- 1) to be able to appeal or register a complaint or grievance against any academic assessment, academic procedure, administrative procedure, perceived discrimination or harassment, or the abrogation of any right stated in this Charter;*
- 2) to a clearly-documented process for dealing with an appeal, complaint which is confidential, non-discriminatory, unbiased, and accountable; offers the opportunity for them to be accompanied to hearings by a person of*

- their choice; and leads to resolution within a reasonable time;*
- 3) *in respect to an appeal, complaint or grievance, to receive reasons for resulting decisions; to be advised of opportunity for further appeal; and to experience no repercussions as a result of participation in the process; and*
  - 4) *to seek guidance from a Guild Education Officer, faculty staff, and/or an Equity and Diversity Adviser as appropriate when submitting an appeal or complaint or grievance.*

6.2 *Every student has the responsibility:*

- 1) *to familiarise themselves and comply with the appeal, complaint or grievance procedures.*

1.3.2 The rights and responsibilities of respondents in relation to student complaints resolution are identified in a number of University documents including Statute 17, Enterprise Bargaining Agreements and various University policies.

## **1.4 General Principles**

1.4.1 This Policy aims to reconcile the interests of students, staff and the University, while ensuring that overarching expectations of fairness are met.

1.4.2 The University is committed to ensuring that complaints are dealt with through processes which reflect the principles of natural justice and are transparent and timely.

1.4.3 The University depends on a high level of goodwill and trust between students and staff. In the first instance, an attempt should be made to resolve difficulties and differences as close as possible to their source with the people most directly involved. It is expected that the more formal processes set out towards the end of this Policy will be used on relatively rare occasions.

1.4.4 Clearly, it will not be possible to resolve every complaint in a way which gives satisfaction to all parties. For example, resourcing constraints may affect the level of service provided. However, the procedures are designed and should be implemented so that if there is disappointment with an outcome it is not aggravated by dissatisfaction with a process.

1.4.5 The University undertakes that all parties involved in a complaint that privacy and confidentiality will be assured as far as is possible unless -

- disclosure to third parties is required under Federal or State legislation (including Freedom of Information legislation) or any University Statutes, regulations or policies; and/or
- disclosure is necessary to progress the complaint, in which case the student will be notified in advance of the disclosure.

1.4.6 The University ensures that the procedures operate consistently and in accordance with the UWA Equal Opportunity and Affirmative Action Policy Statement.

1.4.7 This policy operates in conjunction with but does not replace relevant State and Federal legislation, and the University's statutes, by-laws, regulations and policies.

1.4.8 It is the University's intention to ensure that neither the aggrieved student nor the person against whom the complaint has been lodged is subject to reprisals or discrimination of any kind as a result of participation in a complaint resolution process.

1.4.9 If a complaint is found to be vexatious or frivolous then appropriate action against the complainant may be considered, including action under Statute 17 and associated Regulations.

## **1.5 Limiting Complaints**

1.5.1 Every student can contribute to minimising the extent to which complaints arise. Depending on the circumstances a student can:

- suggest to other students who are have difficulties or complaints that they seek assistance from relevant University staff;
- promote mutual respect between individuals, whether members of staff or students, such that complaints are less likely to arise;
- be aware of the laws, statutes and University policies and guidelines that extend rights and responsibilities to students.

1.5.2 Every staff member can contribute to minimising the extent to which complaints arise. Depending on the circumstances a staff member should:

- ensure that students are given timely and explicit information on all relevant matters
- encourage students to ask questions and/or raise concerns
- seek students' feedback
- listen carefully to students' comments
- be aware of the laws, statutes and University policies and guidelines that extend rights to students

## 1.6 **Support Services**

- 1.6.1 It is recognised that complainants and respondents participating in a complaints resolution process may require support. In the case of the respondent being a member of staff or an organisational unit of the University, a range of supports including peers, other officers/units within the University, Human Resources and the Union are available.
- 1.6.2 For complainants or respondents who are students only, a range of supports across the University are available. Depending on the nature of the complaint, other school/faculty staff such as coordinators and the sub-deans, or staff at Student Services may be able to offer support.
- 1.6.3 In addition to general support, the Pro Vice-Chancellor (Teaching and Learning) (PCV(T&L)) is available to assist any undergraduate student or postgraduate coursework student who needs advice about resolution of a complaint. The Pro Vice-Chancellor (Research and Research Training) (PCV(R&RT)) undertakes a similar function for higher degree by research students.
- 1.6.4 Another important source of advice is the Guild Education Officers who are employed to provide information to students at both the undergraduate and postgraduate levels and provide support and advocacy where needed. The Guild Education Officers can provide ongoing support during a complaint and act as advocate where required.
- 1.6.5 A further source of advice is the University's Equity and Diversity Advisers. The Advisers, all members of the University staff, have been trained to offer advice to any member of the campus community who is concerned about their rights or obligations in a University matter, or who is seeking advice regarding what options they may have regarding a matter of concern. While Advisers generally do not act as an advocate, they can offer ongoing support and assistance. The contact details for Advisers can be found at [www.equity.uwa.edu.au](http://www.equity.uwa.edu.au)
- 1.6.6 Indigenous Australian students may also contact the Dean of the School of Indigenous Studies for support and advocacy.
- 1.6.7 A student having a complaint of any kind, which they have been unable to resolve informally, may contact the PCV(T&L), PCV(R&RT), Guild Education Officers or in the case of Indigenous Australian students, the Dean of the School of Indigenous Studies to discuss their concerns, and will be advised on appropriate further action to take, or whom they should next consult in the attempts to resolve their problems. Alternatively a student may directly take the actions set out in 2.4.2.
- 1.6.8 The PCV(T&L) and the PCV(R&RT) may attempt to mediate or resolve a complaint informally.

## 1.7 **Recording, Reporting and Monitoring**

- 1.7.1 Where an attempt to resolve the complaint has been undertaken, staff must complete the summary sheet (see 1.7.4) and may keep temporary, confidential notes in order to assist them. Any notes regarding complaints are to be forwarded to University Records for filing.

Staff are reminded that these documents should not be attached to the student or staff file and may be subject to disclosure under Freedom of Information legislation (<http://www.legalservices.uwa.edu.au/iso/foi>).

- 1.7.2 Where there are specific file and recording requirements, these are listed under the relevant section of the policy.
- 1.7.3 The PVC(T&L) is responsible, for the purposes of quality improvement, for:
- collecting and summarising for the Senior Deputy Vice-Chancellor (SDVC) the responses to an annual questionnaire to all heads of school/section seeking information on the nature and frequency of complaints addressed informally within their sections; and
  - collecting and summarising for the SDVC on an annual basis any Complaint Resolution Request forms which have been lodged in accordance with the formal procedures set out in this document.
- 1.7.4 Where a staff member has assisted a student in trying to resolve a complaint, a summary sheet is to be forwarded to the PVC(T&L). The sheet contains no identifying information regarding the student and is primarily for data collection purposes. (The summary sheet is available in Appendix 6.)

## **2. Process**

### **2.1 Procedural notes**

- 2.1.1 The University has overriding obligations under Freedom of Information legislation and the law generally. Beyond those obligations, the University facilitates access to information and documents relevant to a complaint while having due regard to privacy, confidentiality and the reasonable interests of any relevant third parties.
- 2.1.2 Students are entitled to be accompanied at all stages of the complaints process by a person of their choosing. However the accompanying person must not be a legal practitioner.
- 2.1.3 It is generally preferred that a student presents his or her own case. However, in circumstances where a student demonstrates reasonable cause, a student may appoint another person, but not a legal practitioner, to present the case and act as an advocate.
- 2.1.4 A complaint may be judged to be vexatious or frivolous for further consideration, and thereby rejected summarily, only by the Vice Chancellor or their delegate. If so, this is done at the earliest possible time, with reasons given in writing to the student. The University exercises its discretion so as not to strike out complaints solely because of minor procedural deficiencies in the application.
- 2.1.5 It is in everybody's interest that a complaint is lodged as soon as possible and normally not later than one year after the experience which has given rise to the complaint has occurred. However, students may lodge a complaint beyond this period, if they are able to provide a justification for the delay but not beyond 6 years after the experience which has given rise to the complaint has occurred.
- 2.1.6 Nothing in this Policy precludes an individual or the University from reporting an alleged criminal action to the police or other relevant authority.
- 2.1.7 If the Registrar is satisfied that it would be impractical for a student to attend an interview or hearing required as part of the formal procedures set out in section 2.4.2, the Registrar will determine an alternative process to ensure that the student has an opportunity to present their case.
- 2.1.8 A University Student Complaints Panel is established every two-years by the Senior Deputy Vice-Chancellor. See 2.4.2.2 below.

### **2.2 Mediation**

#### **2.2.1 Mediation**

Mediation is "...a process in which the parties to a dispute, with the assistance of a neutral third party (the mediator), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or determinative role in regard to the content of the dispute or the outcomes of its resolution, but may advise on or determine the process of mediation whereby resolution is attempted."<sup>1</sup>

2.2.2 There are two possibilities for mediation under this policy:

- Mediation by Pro Vice-Chancellor (Teaching and Learning) - for undergraduate and postgraduate coursework students) or Pro Vice-Chancellor (Research and Research Training – for postgraduate research students) or nominee;
- Referral to mediator, either internal or external to the University, appointed by the Senior Deputy Vice-Chancellor.

2.2.3 Key elements of the Mediation Process:

The key elements of the mediation process are outlined in Appendix 3.

## 2.3 **Complaint Steps**

2.3.1 It is recommended that students normally progress through each step and it is expected that most complaints are resolved through an internal process at steps 1 and/or 2. However, in exceptional circumstances, application may be made to the Registrar for the complaint to proceed directly to step 3 – Formal Resolution.

2.3.2 Internal Processes to achieve Resolution

- Step 1 – Informal Processes to achieve Resolution by Complainant
- Step 2 – Informal Resolution – Supported
- Step 3 – Formal Resolution

2.3.3 External Resolution

A complainant may use an external agency to resolve a complaint, for example by taking the complaint to the WA Ombudsman or other appropriate government body; however UWA is committed to facilitating the resolution of complaints without the need to make recourse to external agencies

2.3.4 Where a formal internal complaint process has already commenced with officers of the University, it is requested that a student notify the officer of their decision to take the complaint to an external process. The University officer will then determine, in consultation with the Registrar, whether or not formal internal proceedings will cease. In the event of cessation of proceedings before a resolution is achieved, all decisions and agreements arising from these procedures will be void and all records will be annotated accordingly.

## 2.4 **Internal Resolution**

2.4.1 **Informal Steps**

2.4.1.1 **Step 1 – Informal Resolution by Complainant**

(The majority of complaints should be capable of resolution at this stage.)

- (a) Any student who is dissatisfied with any aspect of their University experience is encouraged to raise the cause of that dissatisfaction with the staff member most directly concerned.
- (b) If a student is unsure whom to approach, they are encouraged to seek guidance from one of the following:
  - the relevant Sub-Dean or Associate Dean or Faculty Administrative Officer
  - the head of school or Central Administration division
  - school manager
  - the Dean of the School of Indigenous Studies (for Indigenous Australian students)
  - the unit or course co-ordinator

<sup>1</sup> Definition drawn from the National Alternative Dispute Resolution Advisory Council, Commonwealth of Australia 1997  
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- a Guild Education Officer
  - an Equity and Diversity Adviser
  - Student Services staff
  - the Pro Vice-Chancellor (Teaching and Learning) (PVC(T&L)) (for undergraduate and postgraduate coursework students)
  - the Pro Vice-Chancellor (Research and Research Training) (PVC(R&RT)) (for higher degree by research students)
  - School Postgraduate Co-ordinator (for higher degree by research students)
- (c) At the point of initial contact a student can expect that any complaint will be treated seriously and they will receive a fair hearing.
- (d) Any staff member approached by a student with a complaint against the staff member or some aspect of the University environment for which the staff member has immediate responsibility, will take reasonable and prompt action to try to resolve the complaint. The student may expect to receive a response within ten (10) University working days. Students must be kept informed of the steps being taken to resolve their complaint.
- (e) Where an attempt to resolve the complaint has been undertaken, staff must complete the summary sheet (see 1.7.4) and may keep temporary, confidential notes in order to assist them. Any notes regarding complaints are to be forwarded to University Records for filing. Staff are reminded that these documents should not be attached to the student or staff file and may be subject to disclosure under Freedom of Information legislation (<http://www.legalservices.uwa.edu.au/lso/foi>).
- (f) A summary information sheet (Appendix 6) must be completed and forwarded to the PVC(T&L).
- (g) Any staff member who, as a result of participating in an informal complaint resolution process, identifies an issue of broader application than the individual complaint, is required to draw the issue to the attention of either their head of school/section or the relevant responsible person.
- (h) The Dean of the School of Indigenous Studies can provide advice and support to in relation to Indigenous cultural issues.
- (i) Staff of Equity and Diversity Services can provide advice and support in equity or discrimination issues.
- (j) The PVC(R&L), PVC(R&RT), the Guild Educations Officers and the Equity and Diversity Advisers are available to:
- provide advice on the University's procedures and the avenues available to students in the attempt to resolve complaints; and
  - give advice informally, confidentially and impartially to any student seeking resolutions to problems.
- (k) These direct services of the PVC(T&L) and the PVC(R&RT) and Guild Education Officers and Equity and Diversity Advisers do not replace the various other formal and informal complaints and appeals procedures or other channels of redress. They provide an additional option that is confidential, neutral, informative and advisory in nature.
- (l) Students may find the suggestions in Appendix 2 useful when preparing for this initial contact.

#### 2.4.1.2 Step 2 – Informal Resolution – Supported

(The majority of complaints will not progress beyond this step.)

- (a) A complainant, dissatisfied with the attempts at resolution at step 1, or where they are unable to enact step 1, may seek support from the following:
- the relevant Sub-Dean or Associate Dean or Faculty Administrative Officer
  - the head of school or Central Administration division
  - school manager
  - the Dean of the School of Indigenous Studies (for Indigenous Australian students)  
the Dean of the School of Indigenous Studies can provide advice and support in relation to Indigenous cultural issues

- the unit or course co-ordinator
- Student Services staff
- the Pro Vice-Chancellor (Teaching and Learning) (PVC(T&L)) (for undergraduate and postgraduate coursework students) or the Pro Vice-Chancellor (Research and Research Training) (PVC(R&RT)) (for higher degree by research students)

The PVC(T&L) and the PVC(R&RT) are available to:

- help negotiate a solution, open avenues of communication and expedite “red tape” tangles;
  - identify options and strategies for resolution, though they cannot impose solutions;
  - act as informal mediator between students and staff (making resolutions to either or both parties as to how the complaint might be resolved) or, where appropriate, recommend a case to the Senior Deputy Vice-Chancellor for referral to an appointed Mediator;
  - recommend changes in policies and procedures to the Senior Deputy Vice-Chancellor.
- a Guild Education Officer

The Guild Education Officers are available to:

- Assist with negotiating a resolution
- Identify options for complaint resolution
- Advocate on behalf of a student.

- (b) A student can expect that any complaint will be treated seriously and they will receive a fair hearing.
- (c) Any staff member approached by a student with a complaint against the staff member or some aspect of the University environment for which the staff member has immediate responsibility, will take reasonable and prompt action to try to resolve the complaint. The student may expect to receive a response within ten (10) University working days. Students must be kept informed of the steps being taken to resolve their complaint.
- (d) Where an attempt to resolve the complaint has been undertaken, staff must complete the summary sheet (see 1.7.4) and may keep temporary, confidential notes in order to assist them. Any notes regarding complaints are to be forwarded to University Records for filing. Staff are reminded that these documents should not be attached to the student or staff file and may be subject to disclosure under Freedom of Information legislation (<http://www.legalservices.uwa.edu.au/iso/foi>).
- (e) A summary information sheet (Appendix 6) must be completed and forwarded to the PVC(T&L).
- (f) Any staff member who as a result of participating in an informal complaint resolution process, identifies an issue of broader application than the individual complaint is required to draw the issue to the attention of either their head of school/section or the relevant responsible person.
- (g) Staff of Equity and Diversity Services can provide advice and support in equity or discrimination issues.

## 2.4.2 Step 3 - Formal Steps

### 2.4.2.1 Step 1 – Further conciliation and/or investigation

- (a) If a complaint has not been resolved at Steps 1 and/or 2 or where the Registrar has given permission to progress directly to Step 3, the student may lodge a formal complaint.
- (b) A formal complaint is commenced by completing and lodging a Complaint Resolution Request to the appropriate staff member, with a copy of the cover sheet to the Registrar’s Office, which can be downloaded from the Web at <http://www.secretariat.uwa.edu.au/data/page/20826/GrievRequestform.rtf>. (Appendix 4)

- (c) If the complaint is about an academic matter, the student must lodge this form with the relevant head of school or, if the complaint involves the head of school, with the dean. If the complaint involves the dean, or in one-school faculties, if the complaint involves the head of school who is the same person as the dean, a student must lodge the form with the Senior Deputy Vice-Chancellor. If the complaint is about a non-academic matter, the student must lodge this form with the Registrar, who will direct the complaint to the relevant head of section.
- (d) When lodging a formal complaint, the student must include the following information:
- (i) name, student number, and contact details;
  - (ii) a detailed description of the complaint;
  - (iii) a description of the steps already taken to try to resolve the complaint; and
  - (iv) an indication of the student's desired outcome.
- (e) The head of school, dean, Deputy Vice-Chancellor or head of section will investigate the complaint and endeavour to resolve it, either through separate discussions with the student and other parties or with the student and other parties brought together.
- (f) In cases where it is felt appropriate, the case may be submitted to the Senior Deputy Vice-Chancellor with a recommendation for an appointed mediator (see Appendix 3).
- (g) A written acknowledgment will normally be provided within five University working days although it may take longer for the matter to be investigated and resolved. The outcome of this process will normally be communicated in writing to the student not more than 30 University working days after the complaint has been lodged. If circumstances prevent this process being completed within the time frame specified, the student must be kept informed in writing, at intervals of 10 University working days, of progress at being made.
- (h) A student who, after checking with the relevant officer, in relation to a complaint, remains concerned that investigation of their complaint is being delayed unacceptably may lodge a written request for investigation of the delay with the Vice-Chancellor.
- (i) The head of school, dean, Senior Deputy Vice-Chancellor or head of section must forward to Central Records a copy of the Complaint Resolution Request form plus attachments together with the copy of their response, for placement on a confidential file for the student concerned.
- (j) A summary information sheet (Appendix 6 must be completed and forwarded to the PVC(T&L).

#### 2.4.2.2 **Step 2 – Investigation and Determination by the University Student Complaints Committee**

- (a) The University hopes that the procedure described in 2.4.2.1 will enable each student to find a satisfactory resolution to any problem which may arise. Very occasionally this may not be possible and in exceptional circumstances where the preceding steps have not led to a satisfactory resolution of the problem, a student may write to the Registrar requesting that the complaint be considered by the University Student Complaints Committee.
- (b) The University Student Complaints Committee reports to the Senior Deputy Vice-Chancellor and comprises six members as follows:
- four senior members of the University, including at least one general staff member, appointed every two years by the Senior Deputy Vice-Chancellor, or if any or all of them are unavailable to serve, alternatives drawn from a panel of at least ten senior staff members appointed every two years by the Senior Deputy Vice-Chancellor;
  - the President of the Guild of Undergraduates (for undergraduate students) or nominee or President of the Postgraduate Students' Association (for postgraduate students) or nominee;
  - a staff member from the Guild Student Services Division appointed by the manager of that division.
- (c) For each complaint to be heard, the Senior Deputy Vice-Chancellor will appoint one of the four senior staff members to be the Chair.

- (d) The Chair, after consultation with the Senior Deputy Vice-Chancellor, may recommend that a mediator be appointed (see Appendix 3). The agreement to undertake this process does not prevent the student requesting the matter be examined by the committee.
- (e) Any person responsible for appointing or nominating someone to the committee must have regard to the gender balance of the committee.
- (f) No member of the committee may have had any previous involvement in the complaint, other than as the means of directing it to others. If the Senior Deputy Vice-Chancellor has already been involved in the complaint, or declares a conflict of interest, the Registrar will request one of the Deputy Vice-Chancellors to perform the functions of the Senior Deputy Vice-Chancellor with regard to the committee.
- (g) The Chair will ensure that all members of the committee have received a thorough briefing on the complaint resolution process.
- (h) The quorum for the committee will be all members.
- (i) The Registrar's Office will provide an Executive Officer to support the committee.
- (j) The University will maintain notes of all meetings of the University Student Complaint Committee on a central confidential file established for that purpose.
- (k) Other than in exceptional circumstances, the committee must hear the complaint within 28 University working days of the request having been received by the Registrar.
- (l) All parties to a complaint will be given notice in writing not less than five University working days before the date of the hearing.

This notice will include:

- the date, time and place of the hearing;
- all information relating to the process being undertaken to resolve the complaint ; and
- advice that parties to the complaint have the right—
  - to present their case in person and/or in writing;
  - not to be subject to direct questioning (at the hearing) from the other party;
  - to include a relevant written submission from another person who may be a Guild Education Officer, Dean of the School of Indigenous Studies or any other person, including a legal practitioner, who in the student's opinion is likely to be able to assist the committee in its enquiry;
  - to be accompanied and, if they wish, represented by a Guild Education Officer, Dean of the School of Indigenous Studies or a person nominated by either party; and
  - to be present throughout the hearing, except when the committee is considering its decision.
- As well as advice that:
  - it is the responsibility of the claimant to provide clear evidence in support of any claims for consideration by the Committee; and
  - copies of documents from which quotations are extracted should be submitted in full.

- (m) Where either or both parties to the complaint do not appear at the hearing and have not submitted to the Executive Officer any reasonable explanation for absence, the hearing may proceed and the decision of the committee will be valid despite their absence.
- (n) The committee will hear the complaint and after giving parties to the complaint an opportunity to be heard will:
  - uphold the complaint and, if appropriate, make recommendations to the Senior Deputy Vice-Chancellor on any remedies to be applied;
  - or
  - dismiss the complaint.

- (o) If the committee in the course of its work identifies an issue of broader application than the individual complaint case, it will bring this issue to the attention of the Vice-Chancellor for consideration.
- (p) All parties to the complaint will be notified in writing of the outcome and reasons for it by the Executive Officer within twelve University working days of the committee hearing. The notification will include information about appeals processes.

## **2.5 Appeal to the Vice-Chancellor**

- 2.5.1 A student may appeal to the Vice-Chancellor only when all other processes outlined in this policy have been exhausted. An appeal can be made on either or both of the following grounds:
- that additional relevant information/evidence which was not available to the University Student Complaints Committee has become available since the decision of the University Student Complaints Committee;
  - that published procedures were not followed by the Committee, to the detriment of the appellant.
- 2.5.2 In an appeal, which must be lodged with the Vice-Chancellor no later than twenty (20) University working days after the date of notification of the decision of the University Student Complaints Committee, the student must clearly set out the grounds for the appeal.
- 2.5.3 The Vice-Chancellor will take whatever action is deemed necessary to establish the facts and decide what action should be taken.
- 2.5.4 If the Vice-Chancellor declares a conflict of interest in respect of the complaint then another member of the Executive who has not previously been involved in the attempted resolution of the complaint is nominated to act for the Vice-Chancellor.

## **3. External Processes**

- 3.1 A student may at any time elect to pursue their case through an appropriate government body or official.
- 3.2 Where complaints resolution process has already commenced with officers of the University, it is requested that a student notify the officer of their decision to take the complaint to an external body. The University officer will then determine, in consultation with the Registrar, whether or not internal proceedings will cease. In the event of cessation of proceedings before a resolution is achieved, all decisions and agreements arising from these procedures will be void and all records will be annotated accordingly.

## **4. Review**

- 4.1 The University will monitor the operation of this complaint procedure, and evaluate and review it every three years.

<b>Last Edit:</b>	November 2006	<b>Previous Edit:</b>	
<b>Responsible:</b>	University Secretary	<b>Approved by:</b>	Deputy University Secretary
<b>Date for Review:</b>		<b>File Ref:</b>	F198

**APPENDIX 1**

**UNIVERSITY POLICIES DEALING WITH STUDENT COMPLAINTS IN SPECIFIC AREAS**

<b>Type of Grievance/Complaint</b>	<b>Web Address for Relevant Policy</b>	<b>Contact Person/Officer</b>
Appeals process in the case where there is dissatisfaction with an assessment result and/or progress status (other than PhD, , and master's degrees by research (by thesis))	<a href="http://www.secretariat.uwa.edu.au/home/policies/appeals">http://www.secretariat.uwa.edu.au/home/policies/appeals</a>	appropriate Faculty Administrative Officer.
Study and Examination Provisions for Students with Disabilities	<a href="http://www.secretariat.uwa.edu.au/page/57239">http://www.secretariat.uwa.edu.au/page/57239</a>	Deputy University Secretary
Scholarships	<a href="http://www.scholarships.uwa.edu.au/">http://www.scholarships.uwa.edu.au/</a>	Senior Administrative Officer (Scholarships)
Equal Opportunity and Affirmative Action	<a href="http://www.hr.uwa.edu.au/equity/welcome">http://www.hr.uwa.edu.au/equity/welcome</a>	Manager, Equity and Diversity
Racial Harassment	<a href="http://www.hr.uwa.edu.au/equity/welcome">http://www.hr.uwa.edu.au/equity/welcome</a>	Manager Equity and Diversity
Sexual Harassment	<a href="http://www.hr.uwa.edu.au/equity/welcome">http://www.hr.uwa.edu.au/equity/welcome</a>	Manager Equity and Diversity
Conduct in the Workplace	<a href="http://www.hr.uwa.edu.au/policy/toc/perform_mgt">http://www.hr.uwa.edu.au/policy/toc/perform_mgt</a>	Relevant Head of Department
Intellectual Property	<a href="http://www.legalservices.uwa.edu.au/page/16830">http://www.legalservices.uwa.edu.au/page/16830</a>	Intellectual Property and Contracts Officer
Research Misconduct	<a href="http://www.research.uwa.edu.au/policies/welcome/policies/guidelines_on_research_ethics_and_research_conduct">http://www.research.uwa.edu.au/policies/welcome/policies/guidelines_on_research_ethics_and_research_conduct</a>	Director (Research Services)
Freedom of Information	<a href="http://www.legalservices.uwa.edu.au/page/19596">http://www.legalservices.uwa.edu.au/page/19596</a>	FOI Co-ordinator
Occupational Health and Safety Policy	<a href="http://www.hr.uwa.edu.au/hr">http://www.hr.uwa.edu.au/hr</a>	Manager, Safety and Health

The following University guidelines and policy documents do not contain grievance/complaint procedures but may also be useful:

Animal and Human Ethics	<a href="http://www.research.uwa.edu.au/page/72606">http://www.research.uwa.edu.au/page/72606</a>	Executive Officer, Human Rights Committee Executive Officer, Animal Ethics Committee
Code of Good Practice for Postgraduate Student Research and Supervision	<a href="http://www.postgraduate.uwa.edu.au/home/current/formsandregs/policies/good_practice_">http://www.postgraduate.uwa.edu.au/home/current/formsandregs/policies/good_practice_</a>	Manager, Graduate Research and Scholarships Office
Guidelines for Assessment	<a href="http://www.secretariat.uwa.edu.au/home/policies/assessment">http://www.secretariat.uwa.edu.au/home/policies/assessment</a>	Relevant Head of Department or Sub-Dean/ Associate Dean
The Use of Non-Discriminatory Language	<a href="http://www.hr.uwa.edu.au/equity/welcome">http://www.hr.uwa.edu.au/equity/welcome</a>	Equity and Diversity Office
Code of Ethics and Code of Conduct	<a href="http://www.hr.uwa.edu.au/publications/code_of_ethics">http://www.hr.uwa.edu.au/publications/code_of_ethics</a>	Refer Code for details
Professional Relationships: Workplace Policy	<a href="http://www.hr.uwa.edu.au/equity/welcome">http://www.hr.uwa.edu.au/equity/welcome</a>	Relevant Head of Department or Equity and Diversity Office
Disability Policy	<a href="http://www.hr.uwa.edu.au/equity/welcome">http://www.hr.uwa.edu.au/equity/welcome</a>	Disability Officer
Human Resources Policies, Procedures and Guidelines	<a href="http://www.hr.uwa.edu.au/hr">http://www.hr.uwa.edu.au/hr</a>	Manager, Employee Relations

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## APPENDIX 2

### INITIAL CONTACT – Useful advice

Think about what it is that you are having trouble with. Maybe get everything down on paper as this helps you focus your thoughts and will help you to put your case later on. Talk about it with a friend confidentially. It helps put it into perspective.

Always remember that, like yourself, the other party/parties involved in your complaint have rights which must be respected at all times. Disregarding the rights of the others involved will serve no purpose and may reduce the likelihood of a satisfactory resolution.

You should feel free to approach any of the persons listed below, be it for confidential advice or just to find a friendly ear for your complaints:

- the relevant Sub-Dean or Associate Dean or Faculty Administrative Officer
- the head of school or Central Administration division
- school manager
- the Dean of the School of Indigenous Studies (for Indigenous Australian students)
- the unit or course co-ordinator
- a Guild Education Officer
- a Equity and Diversity Adviser ([www.equity.uwa.edu.au](http://www.equity.uwa.edu.au) )
- Student Services staff
- the Pro Vice-Chancellor (Teaching and Learning) (PVC(T&L)) (for undergraduate and postgraduate coursework students)
- the Pro Vice-Chancellor (Research and Research Training) (PVC(R&RT)) (for higher degree by research students)

It is always a good idea to record everything, even if it does not seem particularly important at the time. Every time something relevant to the issue occurs, take brief notes, perhaps tape any discussions (obtaining the consent of the other parties involved of course) or just make notes in your diary.

## **APPENDIX 3**

### **MEDIATION**

A mediator may be appointed to deal with your complaint.

#### ***What is Mediation?***

This is "...a process in which the parties to a dispute, with the assistance of a neutral third party (the mediator), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or determinative role in regard to the content of the dispute or the outcomes of its resolution, but may advise on or determine the process of mediation whereby resolution is attempted."<sup>2</sup>

#### ***When to use Mediation***

The mediation process does not automatically replace any formal investigative process, but may be seen as a viable alternative particularly in cases where the appropriateness and possible success of an investigative process is in doubt. The University may refer any case to mediation. A student may also request any person dealing with a complaint at any of the stages from 2.4.1.2 onwards to request the Senior Deputy Vice-Chancellor to appoint a mediator. Whilst bearing in mind that the mediation process may not be appropriate for all cases, in particular those involving financial or legal disputes, the Senior Deputy Vice-Chancellor will give careful consideration to any request.

#### ***Key elements of the Mediation Process***

- **Consensus** - this process can only be used where both parties to the dispute wish to undertake a consensual rather than adversarial approach and are willing to participate. However, any agreement reached is not binding on the parties involved and does not preclude any party from pursuing the issue further.
- **Confidentiality** –disclosures made during and outcomes of mediation proceedings will be confidential subject to any disclosure to third parties required under Federal and State legislation or any University Statutes, Regulations or policies. Parties may agree to the disclosure of certain information.
- **Third Party Neutrality** - it is essential that the mediator in this formal process is seen to be unbiased and neutral.
- **Flexibility** - it is recognised that flexibility by the parties and the University will be needed. Though University policy will normally need to be followed, outcomes may need to be referred to the Vice-Chancellery for decision-making. There may also need to be flexibility in how the process of mediation is undertaken as aspects of gender and power imbalance may need to be addressed. In some cases shuttle mediation may be required (this is where the parties do not meet together, only singly with the mediator).
- **Timing** – a complaint may be referred to an appointed mediator at any stage in the process.
- **Role** - The mediator does not have the power to make a determination in respect of a complaint, impose penalties or to direct the actions of staff, other students, or the student who made the complaint. Nor is it the mediator's role to represent the student or advocate the student's case. The mediator is to even-handedly facilitate discussion and fair resolution. The mediator may, however, suggest that the matter be referred to an appropriate official to negotiate an alternative means of satisfying all parties.

#### ***Steps in Mediation***

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<sup>2</sup> Definition drawn from the National Alternative Dispute Resolution Advisory Council, Commonwealth of Australia 1997

1. Any request for a mediator to be appointed must be made in writing to the Senior Deputy Vice-Chancellor *either* by the person dealing with the complaint *or* by the student through the person dealing with the complaint.
2. Within fourteen (14) University working days of the decision to appoint a mediator, names of potential mediators will be provided to the parties for consideration. The parties will have seven (7) University working days to indicate their preference.
3. The mediator will then be appointed and the process to be followed will be decided by the mediator in consultation with the parties.
4. Where a resolution of the complaint is achieved which does not require involvement of or decision by a third party, a written statement signed by all parties will be forwarded to the Senior Deputy Vice-Chancellor for information.
5. Where the parties request a resolution which requires involvement of or decision by a third party, the mediator will provide the Senior Deputy-Vice Chancellor with an explanatory report, signed by all parties, recommending what action should be taken. The final decision on action to be taken will rest with the Senior Deputy Vice-Chancellor.
6. Where resolution is not reached, the case will be referred back to the Senior Deputy Vice-Chancellor to recommence the formal process.

## APPENDIX 4

### COMPLAINT RESOLUTION REQUEST COVER SHEET

**Note:** Before completing this form, please read carefully the Student Complaint Resolution Policy which is on the Web at the following address: <http://www.uwa.edu.au/students/current/assistance>

Please ensure that a copy of this cover sheet only (ie not the attached statement) is sent to the Registrar's Office.

Please tick the appropriate box:

To: Head, School of \_\_\_\_\_

or Dean, Faculty of \_\_\_\_\_  
(if complaint involves head of school)

or Registrar  
(if complaint is about a non-academic matter)

or Senior Deputy Vice-Chancellor  
(if complaint involves a dean or head of school who also holds the position of dean)

Student Number: \_\_\_\_\_ Full Name: \_\_\_\_\_

Address for correspondence relating to this complaint:

**(Note: it is your responsibility to keep the addressee of this form advised of any change of this address.)**

\_\_\_\_\_  
\_\_\_\_\_

Telephone No: \_\_\_\_\_ Email address: \_\_\_\_\_

Please attach a statement covering each of the points below:

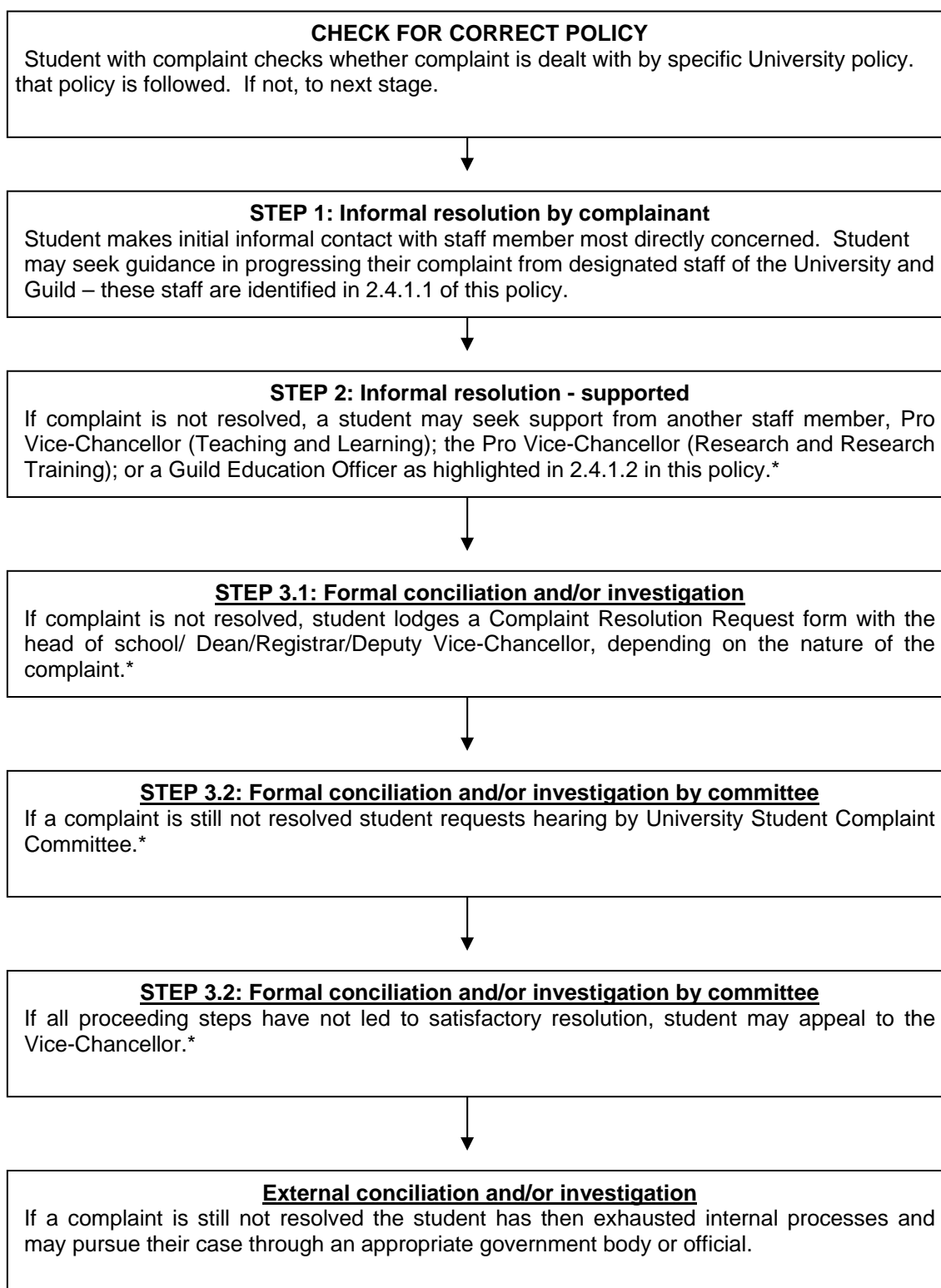
- Name, student number, and contact details;
- a detailed description of the complaint;
- a description of the steps already taken to try to resolve the complaint; and
- an indication of your desired outcome.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## APPENDIX 5

### FLOWCHART FOR STUDENT COMPLAINT RESOLUTION PROCESS



*\*At any of these stages a request for mediation may be submitted to the Senior Deputy Vic-Chancellor.*

**APPENDIX 6**

**Student Complaint Resolution: Record Form**  
*As required within UWA policy, a broad description of all complaints (formal and informal) must be forwarded to the PVC (Teaching and Learning) for annual reporting purposes. Please use this form to create an appropriate record.*

**STUDENT COMPLAINT RESOLUTION: STATISTICS RECORD FORM**

**NOTE:** Care should be taken to ensure that no person can be identified by providing these details – for example ‘Faculty’ may be substituted for ‘School/Work Area’ if needed.

**1. Person/s making inquiry or complaint:**

- Undergraduate Student
- Postgraduate Coursework Student
- Postgraduate Research Student
- Other .....

**2. Person/s alleged to be responsible**

- Academic Staff
- General Staff
- Student (Undergraduate)
- Student (Postgraduate)

**3. Faculty/School/Work Area** (where issue is located): \_\_\_\_\_

**4. Brief description of inquiry/complaint:** \_\_\_\_\_

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**5. Outcome sought by person initiating query:** \_\_\_\_\_

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**6. Please tick any of the following to indicate any action you have taken.**

- |                                          |                                    |
|------------------------------------------|------------------------------------|
| Provision of information/support         | Encouraged to lodge complaint      |
| Agreed to seek resolution at local level | Referral to more appropriate staff |
| Referral to other support services       | Referral to Guild                  |
| Other .....                              |                                    |

**Any comment on actions you have taken:** \_\_\_\_\_

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**7. Grounds of Complaint (please tick):**

- |                                  |                  |
|----------------------------------|------------------|
| Conduct                          | Decision Making  |
| Resources                        | Decision         |
| Course content/structure/quality | Teaching quality |
| Other .....                      |                  |

**8. Suggestions/Recommendations:**

Please include any suggestions or recommendations which relate to University policies, procedures, or the need for future training or information dissemination in specific work areas etc.

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**9. Is there any further information or training that would have been helpful to you in dealing with this inquiry/complain?**

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