Complaints Management Procedure

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Purpose

This procedure outlines the way in which complaints made by Students and Members of the Public are managed at Federation University Australia (the **University**).

The University aims to resolve complaints and concerns from Students and Members of the Public in a transparent, consistent, fair and timely manner.

Feedback received through the complaint process provides the University with valuable insights, allowing the University to improve the experience of its students and that of members of the public.

Scope

This procedure provides a framework for managing complaints made by:

1. Students of the University, including students studying with partner providers; and
2. Members of the public.

When dealing with complaints made by members of the public, the University will make adjustments to the processes set out in this procedure if and as necessary or appropriate in the circumstances.

NOTE: this procedure does NOT apply to complaints made by staff members of the University. The complaints or grievances of staff members are managed according to the terms of the Staff Grievance Procedure.

All staff members, when handling concerns or complaints from students or members of the public, must comply with this procedure.

Decisions or matters that are reviewable under another University policy, procedure or process will be managed under that policy, procedure or process and will not be dealt with under this procedure, unless the University determines that there are related complaint issues that should appropriately be addressed under this procedure.

This procedure applies to all students, staff and members of the public in relation to situations or activities connected with the University. This may include activities beyond University campuses and day-to-day operations, including field trips, conferences, events and functions, student senate, club or volunteer activities, and University on-campus or off-campus residences.

Complaints relating to a possible breach of the Australian Code for the Responsible Conduct of Research, should refer to the Research and Research Training Policy. Possible breaches of the code may include, but are not limited to:

- Not meeting required research standards.
- Fabrication, falsification, misrepresentation of research and research data.
- Failure to appropriately acknowledge authorship.
- Inappropriate destruction of research data.

Legislative context

- *Federation University Australia Act 2010*
- Federation University Australia Statute 2021
- Federation University Australia (Academic) Regulations 2022
- Federation University Australia (Students) Regulations 2022
- Higher Education Standards Framework (Threshold Standards) 2021
- Standards for Registered Training Organisations 2025
- National Code of Practice for Providers of Education and Training to Overseas Students 2018
- Australian Quality and Training Framework Standards.
- *VRQA Guidelines to Minimum Standards*
- *Public Interest Disclosure Act 2012*(Vic).
- *Racial Discrimination Act 1975* (Cth)

- *Sex Discrimination Act 1984* (Cth)
- *Australian Human Rights Commission Act 1986* (Cth)
- *Disability Discrimination Act 1992* (Cth)
- *Disability Standards for Education 2005* (Cth)
- *Racial Hatred Act 1995* (Cth)
- *Age Discrimination Act 2004* (Cth)
- *Fair Work Act 2009* (Cth)
- *Equal Opportunity Act 2010* (Vic)
- *Racial and Religious Tolerance Act 2001* (Vic)
- *Gender Equality Act 2020*(Vic)

Definitions

Academic	A member of the University's academic or teaching staff, either in higher education, research or Federation TAFE (e.g. Unit Coordinator, Course Coordinator, Academic Coordinator or Research Supervisor).
Complaint	A complaint is an expression of dissatisfaction with one or more aspects of: 1. a student's or 2. a member of the public's experience with the University or with the University environment. A complaint may be made about a partner provider, contractor or agent of the University or about another student.
Complainant	The student or member of the public making the complaint.
Good Faith	Means to act with propriety and honesty.
Investigator	Means a person independent of the persons involved in the complaint and who is appointed to investigate the complaint. The investigator may be internal or external to the University.
Level 1 Complaint	Means the first formal complaint made by a complainant.
Level 2 Complaint	Means a complaint that has been escalated following a Level 1 complaint outcome.
Member of the Public	In addition to its natural meaning, this term includes prospective students and former students of the University.
Natural Justice	Means general procedural fairness in the handling of a complaint that involves all the following elements: • the right to a fair and unbiased hearing • notice of the potential for an adverse decision • the right to attend hearings, if required, with a support person • the opportunity for all relevant parties involved to be heard • genuine consideration by the decision-maker of any submissions made • genuine inquiry into any areas of dispute

	• the respondent be given enough information that they can understand and respond to the complaint made against them • the right of the respondent to be made aware of, and respond to, information which will be used in the course of a decision that may negatively affect the person • the right to an independent, unbiased decision-maker.
Partner Provider	Means a third-party provider, located either onshore or offshore, who has entered into an agreement with the University to deliver all or part of a unit or course to students.
Respondent	Means the person or persons against whom a complaint is made and who might be a staff member or might be a member of the wider University community.
Senior Staff Member	Means a Dean, Executive Dean, a Director or a member of the Vice-Chancellor's Senior Team (VCST) or nominee who is managing a Level 2 Complaint.
Staff	Includes any person who has an employment contract with the University on a full-time, part-time, sessional, or casual basis, or those employed through a contract for services.
Student	Is any person enrolled as a student at Federation University, Federation TAFE or third-party provider institution. This includes full-time, part-time, block-mode, online, school-based, courses, traineeships or distance education students.
Student Integrity Office	The office which is responsible for the University's complaint processes (excluding staff complaints or grievances) and the management of the online complaints portal.
Student Integrity Officer	The officer of the Student Integrity Office who administers the University's complaint processes (excluding staff complaints or grievances) and online complaints portal. The Student Integrity Officer can be contacted at Student.Integrity@federation.edu.au
Support Person	Means a person who accompanies a party to a complaint during any stage of the procedure. May be internal or external to the University and should not be acting in a legal capacity.
Victimisation	Is where a person subjects (or threatens to subject) another person to any detriment because that person has made (or might make) a complaint in relation to this procedure or is involved (or might be involved) in the resolution of a complaint, including as a witness. Victimisation includes physical, visual, verbal and non-verbal behaviour.
Working Day	Means an ordinary business day of the University (excluding weekends, public holidays or days on which the University is officially closed, e.g. Christmas close-down).

Submitting a Complaint - all Complaints

As a first measure of attempting to resolve a complaint, complainants may approach a staff member with whom they feel comfortable with a view to resolving the concern informally at a local level. For example, if the complainant

is a student whose concern relates to an academic matter, the staff member to be approached might be the relevant academic.

If a complainant is unable to resolve a matter informally, or informal resolution is not appropriate in the circumstances, they may submit an online complaint: see below. This is termed a Level 1 complaint.

If a student or member of the public wishes to submit a Level 1 complaint, the complaint must be in writing and submitted as an online complaint through the University's online complaints portal, unless otherwise described on the University's website or portal.

The complaint must clearly set out:

- Details of the concern or issues which the complainant wishes to raise, including relevant actions, dates and persons concerned.
- What steps (if any) that the complainant has taken to attempt to resolve the concern.
- The outcome which the complainant is seeking, and
- All relevant documents/attachments.

Upon submitting an online complaint, the complainant will receive an automated email confirming receipt. The University may in its discretion dismiss a complaint if the complaint:

- is not submitted in good faith
- is malicious
- is vexatious, or
- is unrelated to the University.

If a complainant submits a complaint relating to a matter that has already been dealt with by the University, the University will not take any further action unless it considers there to be unresolved issues with respect to those matters.

General Complaints

Refer to Annexure A for a summary of the Complaint resolution process.

For discrimination related complaints please refer to Discrimination Complaints (Students) Procedure. For sexual harm-related matters please refer to the Sexual Harm Response Procedure (Students).

Step 1: Informal self-managed resolution

Before making a complaint, a complainant is expected to try and resolve the concern directly and informally with the person or area involved, if it is reasonable and appropriate to do so.

To do this, the complainant should contact the relevant person and arrange a time to discuss the issue.

Student Advocacy can help assist students to clarify their issues, prepare for informal meetings and/or provide support at informal meetings.

Higher Degree by Research (HDR) Students

Higher Degree by Research students are encouraged to discuss their complaint directly with their supervisor, supervisory team or Higher Degree by Research Coordinator responsible for their course of study. If a conflict of interest exists, a complaint may be discussed directly with the Graduate Research School Student Complaints Officer.

Where the complaint relates to an administrative matter, such as space, resources, funding, or candidature processes, students are encouraged to discuss this matter directly with the Graduate Research School Student Complaints Officer or the Higher Degree by Research Team.

Step 2: Formal complaint

Level 1

If the complainant is unable to resolve the complaint informally, or informal resolution is not appropriate, the complainant may submit a formal Level 1 complaint using the Complaints Reporting Form.

Within five (5) working days of the submission of a formal complaint, the Student Integrity Office will email the complainant to confirm:

- whether the subject matter of the complaint will be considered under this Complaints Management Procedure
- who the complaint has been referred to, for example, the relevant member of Staff, the Institute/Directorate or Executive Dean (or equivalent), and
- whether the subject matter of the complaint falls outside this Complaints Management Procedure in which case the complainant will be redirected to the appropriate area of the University.

The relevant staff member may take such steps that they believe may assist in resolving the concern. The steps may include:

- meeting or talking with the complainant and/or other persons referred to in the complaint;
- gathering information relevant to the complaint;
- referring the complaint to another staff member who can assist to resolve the complaint;
- if the complainant is a student, referring the complainant to student support services (e.g. counselling, Student Advocacy); and
- consulting with subject matter experts.

Within twenty (20) working days of receiving the complaint, the relevant staff member will notify the complainant by email of the outcome and/or actions to be taken, including brief reasons where appropriate. This timeframe may be extended where the matter is complex or where additional information is required. If the timeframe is extended, the complainant will be informed of the reasons for the delay and the expected timeframe for a response.

Level 2: Escalated Complaint

If a complainant is dissatisfied with the Level 1 Complaint outcome, they may request an escalation of their Complaint to Level 2. Escalation of a Complaint is subject to certain conditions: see ‘Grounds for Escalation’, set out below.

If the grounds for escalation are met, a complainant may request an escalation of the complaint by emailing Student.Integrity@federation.edu.au within twenty (20) working days of the date of the Level 1 Complaint outcome letter.

Student Advocacy can support students to identify grounds for escalation and support students to make the request.

Request to Escalate - Grounds for Escalation

A complainant’s request to escalate a complaint must expressly state that the request is made on one or more of the following grounds:

1. There is, relevant evidence that was not reasonably available to the complainant, and could not reasonably have been obtained by the complainant when the complaint was first made.

2. That there was a failure to consider evidence which was available at that time.
3. That there was a failure to comply with relevant University policy, procedure or processes, or
4. That there was a failure by the relevant staff member to apply principles of natural justice.

Important: in each case, the complainant's request to escalate must be supported by evidence substantiating the grounds alleged. Such evidence may include relevant documents, medical evidence, statutory declarations or police reports.

The Student Integrity Office will review the submission of the request to escalate the complaint and the relevant grounds for escalation and determine whether to accept or reject the escalation of the complaint.

The Student Integrity Office's decision in respect of accepting or rejecting the escalation of a complaint will be based upon their determination that the documentation provided by the complainant has satisfied one or more of the grounds set out in paragraphs (1) – (4), above.

Determination of the request to escalate

Within five (5) working days of submission of the request to escalate the complaint, the Student Integrity Officer will inform the complainant whether that request has been granted. Where the request to escalate a complaint has been granted (**Escalated Complaint**), the Student Integrity Officer will email the complainant to confirm the name and title of the senior staff member appointed to deal with the escalated complaint.

If a complainant's request to escalate a complaint is denied, the complainant may choose to pursue their complaint with an external organisation (refer to "External Review" below).

Investigation of the Escalated Complaint

The usual process for determining an escalated complaint is by the conduct of an investigation. A Senior Staff Member, usually a Dean, Executive Dean, Director, member of the Vice-Chancellor's Senior Team or their nominee, will manage the investigation process.

As part of the investigation process, the senior staff member may:

- Speak with the complainant and any other persons they consider relevant to the complaint.
- Gather information and documents related to the complaint.
- Seek any further information that they consider necessary.
- Conduct the investigation in accordance with the principles of natural justice.
- Make factual findings on matters relevant to the complaint, and
- Recommend appropriate action to be taken by the University (if required).

The Senior Staff Member must conduct the investigation and determine an appropriate outcome within twenty (20) working days of being appointed to manage the escalated complaint. The Senior Staff Member will notify the complainant of the outcome of the escalated complaint, the reasons for the decision and any steps that will be taken. This timeframe may be extended where the matter is complex or where additional information is required. If the timeframe is extended, the complainant will be informed of the reasons for the delay and the expected timeframe for a response.

The decision made by the Senior Staff Member is the final step in the internal complaints process. If the complainant is a student and is dissatisfied with the outcome of the Senior Staff Member's decision, the student may seek review through the student appeal process under the Student Appeal Procedure, unless the Senior Staff Member has determined that the complaint is frivolous, trivial or vexatious.

The student appeals process is not available to non-student complainants. Non-student complainants who wish to pursue their complaint after receiving a Level 2 complaint outcome can do so by seeking an external review (below).

Actions

Alternative staff member

Where appropriate, any staff member may nominate an alternative staff member to manage a Level 1 or 2 complaint on their behalf. The nominee will apply all applicable processes under this procedure.

Support person

All parties have the right to a support person during any stage of the complaints process. The support person may be internal or external to the University and should not be legally trained, or if they are, not be acting in any legal capacity to represent them during the complaint process. A support person is primarily an observer and may speak where invited to do so by the person responsible for conducting the relevant meeting or discussion, or with the express consent of the student.

If a student identifies as Aboriginal or Torres Strait Islander, they have the right to an Aboriginal Success Support Officer as an additional advocate.

Right to an advocate

A person whose capacity for self-advocacy is impaired has the right to an advocate of their choice who is not legally trained, or if they are, who is not acting in any legal capacity to represent them during the complaint process. The right to an advocate speaking on behalf of a student at a hearing must be approved by the Chair.

Student Advocacy can act as an advocate for students involved in the complaints process.

Student support

The University has a number of services available to students who require support, and further information is also available at Support services.

Confidentiality

All persons involved in the complaint process, including the support person(s), must maintain confidentiality and only discuss the complaint with persons who need to know in order to assist in the resolution of the complaint, during the complaint management process. This responsibility extends to the complainant, the respondent, their support persons and any advocate representing the complainant or respondent. Failure to maintain confidentiality may result in disciplinary or other action. This does not prevent any party from discussing the matter with any confidential support service.

Public interest disclosures, including complaints about the improper or corrupt conduct of University officers (within the meaning of the *Public Interest Disclosures Act 2012*), must be made to the Independent Broad-based Anti-Corruption Commission (IBAC). Further information regarding public interest disclosures can be found in the University's Public Interest Disclosures Procedure.

Anonymous Complaints

If a Complainant submits a complaint anonymously, the University might be limited in the actions it can take to resolve it. If the complainant does not provide relevant and current contact information, the University may not be able to provide a response to the complaint.

Good Faith and Fairness

Every Complaint must be made in Good Faith and must include all relevant facts to assist the University to resolve it. The University will make a genuine attempt to resolve Complaints. Inappropriate language or behaviours, or misuse of the complaints process, may lead to disciplinary or other action under relevant University policies and procedures, including the Student Misconduct Procedure where applicable. This procedure will be applied in a consistent and fair manner. The University will not tolerate retributive action or Victimisation of a person who raises a concern or Complaint in Good Faith.

Timeliness

Complainants should take steps to address their concerns as soon as possible and, where appropriate, at an informal level. While the University does not set a general time limit for making a complaint, each complaint should be made as promptly as possible. In the case of students, the complaint should relate to issues arising during the period of the student's admission to, enrolment at, or participation in University activities.

The University will endeavour to respond in a prompt manner, in accordance with its own internal timelines. If a staff member cannot meet the relevant resolution timeframe, the complainant will be notified of this, along with the reasons for the delay and an estimated timeframe in which they can expect to receive a response.

As time passes, complaints can become very difficult to resolve and, in some circumstances, the University may determine that a complaint has been submitted too late to be considered and acted upon.

External Review

Complaints about the administrative actions and decisions of the University may be made to the National Student Ombudsman or another external review body with jurisdiction. Refer to the National Student Ombudsman website for further information.

Complainants may also access other external organisations such as the Victorian Equal Opportunity and Human Rights Commission and the Australian Human Rights Commission. Students can discuss their external review options with Student Advocacy.

Review and Improvement

Monitoring, reporting and review will occur with the purpose of reducing complaint instance rates and addressing underlying causes. Regular reporting will assist with the identification of recurring complaints or systemic issues.

The Director, Student Services and Registrar will generate de-identified reports from student complaint data for consideration by senior staff, the Vice-Chancellor's Senior Team and the University's Audit and Risk Management Committee on a bi-annual basis.

Supporting documents

- Corporate Governance Policy
- Operations Governance Policy
- Protected Disclosures Procedure
- Information Privacy Procedure
- Records Management Procedure
- University Collective Agreement

Responsibility

- The Vice-Chancellor's Senior Team reports and provides assurance to the University Council that Student Complaints are being monitored and appropriate steps are being taken to address underlying causes.
- The Chief Operating Officer (as Approval Authority) is responsible for approving and overseeing the implementation of this procedure.
- The Head of Legal (as Document Owner) is responsible for maintaining the content of this procedure as delegated by the Approval Authority.
- The Director, Student Services and Registrar, the Student Integrity Office and the Student Equity and Safer Communities Office are responsible for the effective processing and reporting of Student Complaints.

Promulgation

This procedure will be communicated by:

1. A FedNews announcement and on the 'Recently Approved Documents' page on the University's Policy Central website;
2. Distribution of e-mail communication to the Vice-Chancellor's Senior Team / Executive Deans or equivalent / Directors or equivalent / staff and corresponding roles within Partner Providers.

Implementation

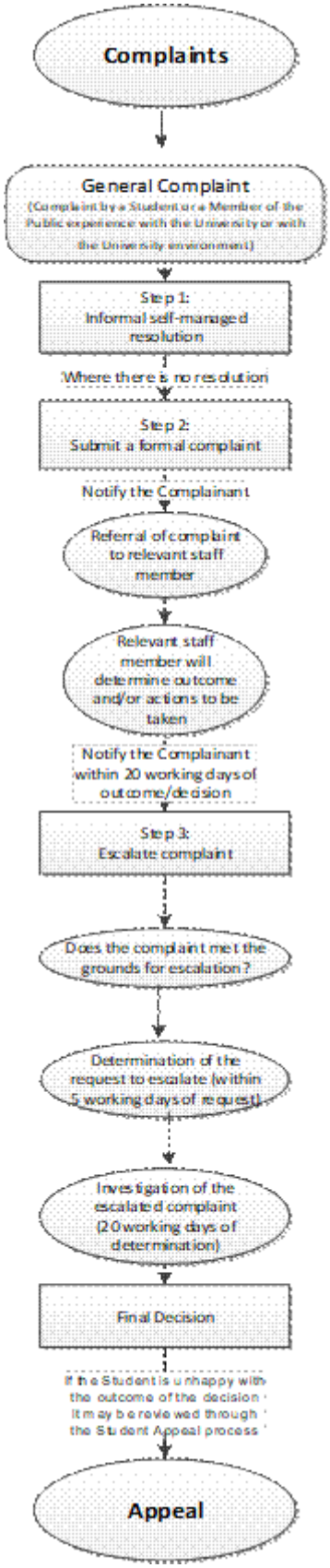
This procedure will be implemented throughout the University via:

1. A FedNews announcement and on the 'Recently Approved Documents' page on the University's Policy Central website.
2. Staff training sessions.

Records management

Complaint records are held in the central complaints management system, the integrity of which is maintained by the Student Integrity Office in accordance with the University's Records Management Procedure, Information Privacy Procedure and applicable Public Record Office Victoria requirements.

Annexure A - Summary of Complaint resolution process


Complaints
General Complaint
(Complaint by a Student or a Member of the Public experience with the University or with the University environment)
Step 1:
Informal self-managed resolution
Where there is no resolution
Step 2:
Submit a formal complaint
Notify the Complainant
Referral of complaint to relevant staff member
Relevant staff member will determine outcome and/or actions to be taken
Notify the Complainant within 20 working days of outcome/decision
Step 3:
Escalate complaint
Does the complaint met the grounds for escalation?
Determination of the request to escalate (within 5 working days of request)
Investigation of the escalated complaint (20 working days of determination)
Final Decision
If the Student is unhappy with the outcome of the decision it may be reviewed through the Student Appeal process
Appeal