

# STUDENT COMPLAINTS PROCEDURES 2015

**Issued by:** Deputy Vice-Chancellor (Registrar)

**Date:** 9 December 2015

**Last amended:** 14 March 2017 (administrative amendments)

**Signature:**

**Name:** Professor Tyrone Carlin

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## 1 Purpose and application

- (1) The purpose of these procedures is to:
  - (a) give effect to the *Resolution of Complaints Policy 2015*, (“the **policy**”), as it relates to complaints made by or about students and complaints made by applicants;
  - (b) provide how complaints within the scope of these procedures may be raised and how they will be assessed and resolved, where appropriate; and
  - (c) prescribe the manner in which the University will conduct investigations where required.
- (2) These procedures apply to:
  - (a) University staff, students and affiliates; and
  - (b) applicants for admission to the University, in regard to complaints about non-academic matters.
- (3) These procedures do not apply to student complaints about:
  - (a) academic decisions;
  - (b) intellectual property; or
  - (c) corruption, maladministration or serious and substantial waste of public money.

**Note:** See: [University of Sydney \(Student Appeals Against Academic Decisions\) Rule 2006](#); [Intellectual Property Policy 2016](#) and [Reporting Wrongdoing Policy 2012](#).

## 2 Commencement

These procedures commence on 1 January 2016.

## 3 Interpretation

- (1) Words and phrases used in these procedures and not otherwise defined in this document have the meanings they have in the policy.

**injury management co-ordinators** means the group of rehabilitation and return to work, and workers' compensation specialist staff within Safety Health and Wellbeing Unit who assist staff and their managers in cases of ill health and work related injury.

#### 4 Resolution of complaints generally

The making, investigation or resolution of a complaint under these procedures must be in accordance with the [Resolution of Complaints Policy 2015](#).

#### 5 Complaints not covered by this procedure and assistance

- (1) Complainants who have a complaint about:
  - (a) an academic decision, should follow the process set out in the [University of Sydney \(Student Appeals against Academic Decisions\) Rule 2006](#);
  - (b) a breach of privacy, should follow the process set out in the [Privacy Policy 2013](#);
  - (c) intellectual property, should follow the process set out in the [Intellectual Property Policy 2016](#)
  - (d) corruption, maladministration or serious and substantial waste of public money should follow the process set out in the [Reporting Wrongdoing Policy 2012](#).
- (2) If a student or applicant wishes to discuss their particular circumstances before making a complaint they may contact the Student Affairs Unit.

**Note:** Contact details for the Student Affairs Unit are provided on the Student Affairs Unit [website](#)

#### 6 Informal resolution

- (1) Where appropriate, students and applicants should seek to resolve issues informally by directly approaching the person they believe is responsible for the issue (either on their own or with another person as a support person), and:
  - (a) telling them what the issue is;
  - (b) asking them to stop or to behave differently; and
  - (c) where appropriate, keeping a written record of this action.
- (2) This clause does not apply to complaints concerning alleged criminal conduct, including sexual assault.

#### 7 Making a complaint

- (1) Students and applicants who are unable to resolve a problem or concern through informal resolution, or consider informal resolution inappropriate, can make a complaint by contacting the Student Affairs Unit.

- (2) If any person other than the Student Affairs Unit receives or otherwise becomes aware of a complaint on behalf of an applicant or student, they must refer the complaint to the Student Affairs Unit.
- (3) Complaints may also be referred to the Student Affairs Unit:
  - (a) by the Case Management Group where a complaint made by a staff member, affiliate or worker involves allegations that a student has engaged in conduct in breach of the [Bullying, Harassment and Discrimination Prevention Policy 2015](#); or
  - (b) by a person who has received a complaint from a member of the public that involves allegations that a student has engaged in conduct in breach of the [Bullying, Harassment and Discrimination Prevention Policy 2015](#).
- (4) Complainants are not required to put their complaint in writing in the first instance. However, a written complaint will be required if an investigation is needed.

**Note:** See clause 11 for information on investigations.

## 8 Preliminary assessment by Student Affairs Unit

- (1) Upon receiving a complaint, the Student Affairs Unit must record the following details, at the earliest possible opportunity, in the designated student complaints data base:
  - (a) the complainant's name and contact details;
  - (b) a brief summary of the issues raised in the complaint;
  - (c) the identity of any persons named in the complaint; and
  - (d) the outcome or remedy sought by the complainant.
- (2) Where the complaint relates to the conduct of a student, the Student Affairs Unit will assess the seriousness of the complaint and determine the appropriate course of action to deal with the matter. This assessment may involve, as appropriate:
  - (a) convening discussions with the relevant parties;
  - (b) collating and reviewing any relevant documentary material; and
  - (c) providing advice to the relevant delegate about whether the matter is appropriate for local resolution under clause 9 or referral under clause 10.
- (3) Each of the parties may bring a support person to any discussion.
- (4) At the conclusion of the preliminary assessment, the Student Affairs Unit must give the complainant a written statement of the outcome of their complaint, which includes:
  - (a) reasons for the outcome; and
  - (b) details of any rights to seek an investigation under clause 11.
- (5) Where reasonable, the preliminary assessment should be conducted within 20 working days of lodging the complaint.
- (6) Where these timeframes are not reasonable, the Student Affairs Unit must advise the complainant of the reasons for the delay, and of the projected timeframe for conclusion of the preliminary assessment.
- (7) Where a complaint about a student alleges conduct that might, if proven:
  - (a) constitute misconduct;

- (b) involve possible criminal behaviour; or
- (c) involve risk to others;

then:

the Student Affairs Unit must consider referring the complaint to the Deputy Vice-Chancellor (Registrar) for handling in accordance with Chapter 8 of the [University of Sydney By-law 1999](#) or, if appropriate, to the police.

- (8) Where a complaint relates to the conduct of a staff member or affiliate (or a worker in the case of a complaint of bullying) or alleges that a policy or procedure of the University or its application (or both) is in breach of the [Bullying, Harassment and Discrimination Prevention Policy 2015](#) or another University policy within the scope of these procedures:
  - (a) the Student Affairs Unit must consult with, and refer the complaint (as it relates to the staff member or affiliate) to the Case Management Group; and
  - (b) where the complaint relates to alleged bullying, harassment or discrimination, the procedures set out in clauses 8 to 13 and 15 of the [Bullying, Harassment and Discrimination Resolution Procedures 2015](#) will apply in place of the procedures set out in clauses 9 to 13 and 15 below. Clause 14 below will continue to apply.

**Note:** Contact details for the Case Management Group are provided on its [website](#).
- (9) Where appropriate, the Student Affairs Unit should refer students to available services for support, including:
  - (a) [Counselling and Psychological Services \(CAPS\)](#);
  - (b) [Disability Services](#);
  - (c) [Students' Representative Council \(SRC\)](#); or
  - (d) [Sydney University Postgraduate Representative Association \(SUPRA\)](#).

## 9 Local resolution

- (1) Where the assessment in clause 8 determines that local resolution is appropriate, resolution may include, but is not limited to:
  - (a) clarifying a misunderstanding;
  - (b) an apology;
  - (c) facilitated discussion, including mediation or conciliation;
  - (d) an agreed plan of action to avoid further incidents; and
  - (e) implementing awareness-raising or educational sessions about behaviour.
- (2) Where reasonable, the local resolution process should be completed within 20 working days of the assessment referred to in clause 8.
- (3) Where 20 working days is not reasonable, the Student Affairs Unit must advise the complainant of the reasons for the delay, and of the projected timeframe for resolution.

## 10 Determination when local resolution is unsuccessful or inappropriate

- (1) Where attempts to resolve the matter at a local level are unsuccessful or considered inappropriate, the Student Affairs Unit must determine whether:
  - (a) the matter should be referred to the Deputy Vice-Chancellor (Registrar) for handling in accordance with Chapter 8 of the [University of Sydney By-law 1999](#);
  - (b) the matter should be referred to either or both of the University's Security Service or police;
  - (c) the matter should be investigated under clause 11; or
  - (d) any other further action should be taken.
- (2) Where reasonable, the determination should be made within 20 working days of the assessment referred to in clause 8 or the Student Affairs Unit declaring that local resolution has been unsuccessful.
- (3) Where these timeframes are not reasonable, the Student Affairs Unit must advise the complainant of the reasons for the delay, and of the projected timeframe for conclusion of the determination.
- (4) Circumstances in which a determination to take no further action may be made include where:
  - (a) the person who made the complaint has provided insufficient detail or evidence of the issue to enable the matter to be properly investigated;
  - (b) the complaint is frivolous, vexatious or malicious;
  - (c) the complaint relates to alleged conduct that occurred more than 12 months before making the complaint and no further occurrence has happened in the ensuing 12 months.
- (5) The Student Affairs Unit must write to the person who made the complaint (and, where appropriate, the respondent), setting out the reasons for the determination.

## 11 Investigation

- (1) For more serious complaints (as determined by the University in its absolute discretion, taking into account the complainant's views and circumstances), where local resolution is unsuccessful or not appropriate, an investigation may be initiated.
- (2) An investigation may only be initiated with approval from the Student Affairs Unit.
- (3) Except where otherwise required by University rules, protocols, policies and procedures, investigators may determine their own procedures.
- (4) Investigators must make findings of fact and may make recommendations for resolving complaints, in accordance with University rules, protocols, policies and procedures. These recommendations may include a recommendation that the complaint be referred to the Deputy Vice-Chancellor (Registrar) for handling in accordance with Chapter 8 of the [University of Sydney By-law 1999](#).
- (5) Investigators must give the University written reasons for their findings of fact and (if relevant) their recommendations. The reasons must provide enough detail for complainants and respondents to determine whether there are sufficient grounds for an appeal.

- (6) Where reasonable, the investigation should be concluded within 30 working days of the determination referred to in clause 10.
- (7) Where 30 working days is not reasonable, the Student Affairs Unit must advise the complainant of the reasons for the delay, and of the projected timeframe for conclusion of the investigation.
- (8) At the conclusion of the investigation the Student Affairs Unit must decide whether the matter should be referred to the Deputy Vice Chancellor (Registrar) for handling in accordance with Chapter 8 of the [University of Sydney By-law 1999](#).
- (9) If the matter is referred to the Deputy Vice-Chancellor (Registrar), the Student Affairs Unit must inform the complainant in writing of the referral.
- (10) If the matter is not referred to the Deputy Vice-Chancellor (Registrar), the Student Affairs Unit must take into account the investigation findings and any recommendations of the investigator, and give the complainant a written statement of the outcome of their complaint, which includes:
  - (a) reasons for the outcome; and
  - (b) details of any rights to an appeal.

## 12 Referral to the Registrar

If a matter that has been the subject of preliminary assessment or investigation under these procedures is referred to the Deputy Vice-Chancellor (Registrar) for handling in accordance with Chapter 8 of the [University of Sydney By-law 1999](#):

- (a) the Student Affairs Unit must provide the Deputy Vice-Chancellor (Registrar) with all information gathered as part of the assessment or investigation including any written statement or report of the person conducting the investigation or assessment; and
- (b) to the extent permitted by the [University of Sydney By-law 1999](#), the Deputy Vice-Chancellor (Registrar) may take into account and rely upon the findings of the assessment or investigation in any subsequent investigation.

## 13 Vexatious complaints

If the Student Affairs Unit, delegate or investigator believes that a person has made a vexatious or malicious complaint:

- (a) the Student Affairs Unit must make an assessment in accordance with clause 8 of these procedures; and
- (b) these procedures will also apply to the determination of whether a vexatious or malicious complaint has been made.

## 14 Appeals

- (1) Potential appellants should contact the Student Affairs Unit for information on appeals.
- (2) Appellants may appeal on the basis of alleged failure of due process only. The University will not consider appeals based solely on the outcome of the complaint.

- (3) Appeals must be lodged:
    - (a) in writing with the Student Affairs Unit; and
    - (b) within 10 working days of the date on which the appellant was notified of the outcome of the complaint.
  - (4) In exceptional circumstances, as determined by the Head of the Student Affairs Unit in their absolute discretion, the Head of the Student Affairs Unit may accept an appeal lodged out of time.
  - (5) Appellants must set out in their written appeal their reasons for believing that due process has not been observed in the preliminary assessment or investigation.
  - (6) Appeals must be considered by senior staff members. Generally this should be a Deputy Vice-Chancellor who has not otherwise been involved in the complaint, and who does not have an actual or reasonably perceived conflict of interests in regard to the parties to the complaint, or the matters that are the subject of complaint.
  - (7) Except at the absolute discretion of the staff member considering the appeal:
    - (a) appeals will be conducted on the basis of written material; and
    - (b) the scope of an appeal will be limited to a review of the preliminary assessment or investigation process.
  - (8) Where reasonable, the appeal should be considered within 20 working days of its lodgement.
  - (9) Where 20 working days is not reasonable, the Student Affairs Unit will advise the appellant of the reasons for the delay, and of the projected timeframe for consideration of the appeal.
  - (10) At the conclusion of the appeal, the staff member considering the appeal must provide the appellant with a written statement of the outcome of the appeal, including:
    - (a) reasons for the outcome; and
    - (b) details of any rights to make an external appeal.
- Note:** Contact details for the Student Affairs Unit are provided on its [website](#).

## 15 Record keeping

All records collected, generated or used as part of the resolution or determination of a complaint under these procedures must be stored confidentially at a local location and filed confidentially with the Student Affairs Unit at the end of matter.

**Note:** See [University Recordkeeping Policy](#) and [Recordkeeping Manual](#).

## 16 External assistance and advice

- (1) The University will make every reasonable effort to resolve complaints internally.
- (2) However, if a person alleges conduct by person over whom the University has no jurisdiction, the University may be required to refer the person raising the complaint to an external complaints procedure or to another agency.
- (3) Individuals covered by these procedures may also elect to contact (if relevant) the Fair Work Commission, Australian Human Rights Commission, Anti-Discrimination

Board, SafeWork NSW or their student representative or union to obtain advice or assistance, or make a complaint.

## NOTES

### Student Complaints Procedures 2015

Date adopted: 9 December 2015  
Date commenced: 1 January 2016  
Date amended: 14 March 2017 (administrative amendments only)  
Administrator: Deputy Vice-Chancellor (Registrar)  
Review date: 9 December 2020

Related documents:

*Education Services for Overseas Students Act 2000 (Cth)*

*Higher Education Support Act 2003 (Cth)*

*National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (Cth)*

*Tertiary Education Quality and Standards Agency Act 2011 (Cth)*

*University of Sydney By-law 1999*

*University of Sydney (Student Appeals against Academic Decisions) Rule 2006*

*Intellectual Property Policy 2016*

*Bullying, Harassment and Discrimination Prevention Policy 2015*

*Reporting Wrongdoing Policy 2012*

*Supervision of Higher Degree by Research Students Policy 2013*

*Bullying, Harassment and Discrimination Resolution Procedures 2015*

*Student Complaints Policy 2015*



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## AMENDMENT HISTORY

<b>Provision</b>	<b>Amendment</b>	<b>Commencing</b>
8(8)(b)	Correction to clause cross references (administrative amendment)	31 March 2016
6(1); 6(2)	Administrative amendment	14 March 2017
5(1)(c); Notes	Administrative amendment: correcting reference to IP Policy	14 March 2017
Notes	Administrative amendment: correcting references to internal policy documents	14 March 2017