

<b>Version</b>	1.0
<b>Short description</b>	This procedure outlines Avondale's approach to managing complaints submitted by students, prospective students, alumni and external stakeholders.
<b>Relevant to</b>	All Higher Education (HE) and Vocational Education & Training (VET) students, higher degree research (HDR) candidates, prospective students, alumni, and external stakeholders.  Staff about whom a complaint is made, or who have responsibility for the object of a complaint, and staff involved in the resolution and administration of the complaint process.
<b>Authority</b>	Executive Committee
<b>Policy owner</b>	Manager, Academic Quality & Standards
<b>Responsible office</b>	Office of the Provost
<b>Date approved</b>	14 November 2022
<b>Date effective</b>	29 November 2022
<b>Review due</b>	November 2027
<b>Related Avondale documents</b>	Bullying, Harassment & Discrimination Policy (Staff & Students)  Student General Conduct & Discipline Policy  Privacy Policy  Sexual Misconduct and Sexual Harassment Policy and Procedures - Students
<b>Related legislation</b>	Higher Education Standards Framework (Threshold Standards) 2021  National Code of Practice for Providers of Education and Training to Overseas Students 2018  Standards for Registered Training Organisations 2015
<b>Key words</b>	bullying, complaint, conduct, discrimination, grievance, harassment, misconduct, student, work health safety

## **PURPOSE**

- 1.1 This procedure supports the Complaint Resolution Policy by outlining Avondale University's (Avondale's) processes for complaint resolution.
- 1.2 The purpose of the procedure is to provide a framework for a fair and equitable process which enables complaints to be addressed in a timely and responsive manner.

## **2. SCOPE**

- 2.1 This procedure applies to:
  - a) HE and VET students and HDR candidates. This includes students and candidates on intermission (leave) and discontinued students;
  - b) prospective students;
  - c) alumni;
  - d) external stakeholders; and
  - e) academic and professional staff involved in the resolution and administration of complaints.
- 2.2 Complaints addressed under this procedure may refer to, but are not limited to, the following matters:
  - a) behaviour of an Avondale staff member or student which contravenes a policy or procedure;
  - b) quality of an Avondale service, including the quality of courses, learning & teaching and adherence to academic standards;
  - c) quality of Avondale's equipment, facilities or resources;
  - d) decisions of Avondale staff regarding non-academic issues;
  - e) third parties while they are providing services on behalf of Avondale, such as individuals and organisations supervising student placements, contractors or education agents.
- 2.3 This procedure does not apply to:
  - a) appeals regarding academic decisions; for example, grades, progression, show cause (which are covered by the Appeal Procedure (Academic));
  - b) complaints regarding research misconduct (which are covered by the Research Practice and Complaints Policy);
  - c) decisions made under another Avondale policy or procedure, where that decision is stipulated as final, or where that policy provides an avenue for a review of that decision;
  - d) submission of complaints by staff (which are covered by the Grievance Resolution Procedure (Staff));
  - e) feedback, where a resolution is not expected by the individual making the submission.
- 2.4 If a complaint involves an allegation of bullying, harassment or discrimination, it will be managed in accordance with Avondale's Student General Conduct & Discipline Policy.
- 2.5 If a complaint involves an allegation of sexual assault or sexual harassment, it will be managed in accordance with Avondale's Sexual Misconduct and Sexual Harassment Policy and Procedures (Students).

### 3. DEFINITIONS

- 3.1 **Alumni:** graduates of an Avondale course of study.
- 3.2 **Appeal:** a request for a decision to be reviewed and reversed or adjusted.
- 3.3 **Complainant:** the person reporting a complaint.
- 3.4 **Complaint:** an expression of dissatisfaction requiring formal resolution.
- 3.5 **Investigator:** an Avondale staff member or external consultant who has the responsibility for resolving the complaint.
- 3.6 **Resolution:** a formal decision or agreement. Resolutions do not necessarily require the complete satisfaction of all parties to a complaint, but rather an agreement that the complaint or issue has been reasonably investigated and/or resolved or has provided a reasonable outcome given the available evidence.
- 3.7 **Respondent:** the person or organisation or unit about whom the complaint is made.
- 3.8 **Support person:** a person selected by the complainant and/or respondent to provide moral and practical support to them, but not to act as their advocate. Such a support person may not be a person who was, or may be perceived to be involved in, or associated with the complaint. They must not be a legal practitioner unless permitted in writing by the University.
- 3.9 **Student:** for the purpose of this Procedure includes current students and HDR candidates enrolled in a course or unit of study at Avondale University, discontinued students, students on intermission, and prospective students who have applied for enrolment.
- 3.10 **Unreasonable complainant conduct:** any behaviour by a complainant which because of its nature or frequency raises substantial health, safety, resource or equity issues for the University, staff, other student(s), or the complainant themselves.
- 3.11 **Working Day:** any day other than:
- Saturday and Sunday
  - any public holiday which is observed by Avondale; and
  - Avondale's nominated Christmas and New Year shut down period.

Standard working hours on a working day are normally Monday to Thursday 8.30am to 5pm and Friday 8am to 12pm.

### 4. PROCEDURE OVERVIEW

- 4.1 This procedure includes three steps for individuals to resolve their concerns or complaints within the University:
- a) informal resolution where individuals discuss their concern directly with the person or area whose actions have led to the concern (Section 6);
  - b) formal resolution of a complaint by Avondale (Section 7);
  - c) independent internal review (Section 12).
- 4.2 Individuals may also refer complaints or other matters to external organisations in accordance with Section 13.
- 4.3 Complainants are encouraged in the first instance to attempt to resolve their matter informally, however, may proceed directly to the lodgement of a formal complaint where

it is more appropriate for a serious or sensitive matter or if they are not comfortable engaging in informal local level resolution.

- 4.4 In the case of any allegation regarding sexual harassment, sexual assault, bullying, harassment or discrimination, the complainant is encouraged to contact the Director, Student Life Services for initial assistance. Alternatively, a complaint may be made through this complaint resolution process.
- 4.5 Students accessing the informal or formal resolution pathways, or an internal review may seek free confidential, independent advice from Student Life Services at any stage.

## **5. INFORMAL COMPLAINT RESOLUTION**

- 5.1 Complainants are strongly encouraged to attempt to resolve the matter directly with the person or area concerned, or with the appropriate supervisor of that person.
- 5.2 It is the responsibility of both parties to explore options for resolving the issue as soon as possible after it has been raised and to do so in a courteous and respectful manner.
- 5.3 If the complaint can be resolved informally, the staff member handling the complaint will email the complainant summarising the initial concern and agreed resolution.
- 5.4 If the complaint cannot be resolved informally, the complainant may access the formal complaint resolution process.

## **6. FORMAL COMPLAINT RESOLUTION**

### ***Submission***

- 6.1 Formal complaints must be lodged in writing, normally via the [web form](#), but are also accepted by [email](#).
- 6.2 Complaints should be lodged:
  - a) as soon as practicable after the complainant first becomes aware of the matter that is the subject of the complaint;
  - b) no later than three months from the date of the incident leading to the complaint, or where local resolution was attempted, within three months of the notification of the outcome of that process unless there is justification for an extension.
- 6.3 Complaints lodged after three months from the date of the incident leading to the complaint will normally only be investigated where the Manager, Academic Quality and Standards is satisfied that:
  - a) it relates to a serious matter; or
  - b) circumstances outside the applicant's control prevented lodgement; and
  - c) it is still practicable for Avondale to investigate the complaint.
- 6.4 In lodging a formal complaint, the complainant is responsible for ensuring that the matter raised has substance and is genuine and they must conduct themselves in an appropriate manner.
- 6.5 Formal complaints must:
  - a) fully state the grounds for complaint;

- b) include any supporting information or evidence. This should include the names of other parties, the time, date & place of any events relevant to the complaint and details of witnesses if relevant;
  - c) indicate the steps taken to date, including advice sought and/or provided and any action taken by the complainant subsequent to obtaining such advice; and
  - d) indicate what the complainant considers to be a satisfactory resolution to their complaint.
- 6.6 Complainants may lodge a complaint as a group, but the person lodging the complaint must provide evidence of consent by all complainants named, together with their contact details.

**Action by the Manager, Academic Quality and Standards**

- 6.7 Receipt of the complaint will be acknowledged within one working day.
- 6.8 Upon receipt of a formal complaint, the Manager, Academic Quality and Standards will complete a preliminary assessment of the complaint within 10 working days of receipt and may take any of the following actions:
- a) refer the complaint to the appropriate Investigator for resolution;
  - b) seek more information from the complainant where insufficient detail has been provided to allow appropriate referral;
  - c) seek supporting documentation where required;
  - d) refer the complainant back to the informal complaint process, if the complaint has not been through an informal complaint process where appropriate or where attempts at informal resolution have not been genuine or sufficient;
  - e) advise the complainant that the submission falls outside the scope of this procedure and refer them to a different process; or
  - f) advise the complainant that their behaviour constitutes unreasonable complainant conduct and that their complaint will not be considered.
- 6.9 The Manager, Academic Quality and Standards will monitor the progress of the complaint resolution and will escalate as necessary.
- 6.10 The Manager, Academic Quality and Standards is responsible for recording all formal complaints.

**Investigation**

- 6.11 The following table outlines who will be responsible for investigating certain types of complaints:

<b>Complaint type</b>	<b>Investigator</b>
Complaint about a student	Director, Student Life Services
Complaint about a staff member	Manager, People & Culture in consultation with relevant department leader
Complaint regarding a decision, process, or administration	Chief Financial & Operations Officer
Other complaints	At the discretion of the Manager, Academic Quality & Standards, a senior staff member

- 6.12 The Investigator may choose to:
- a) undertake the investigation; or
  - b) nominate a staff member or appoint an external person who has an understanding of the investigation role and the required skills to carry out the investigation function.
- 6.13 The Investigator or nominee must hold a level of seniority equal to or above the level of where the complaint occurred.
- 6.14 The Investigator or nominee must not have a real or perceived conflict of interest, including prior involvement in the action/issue that led to the complaint.
- 6.15 The Investigator or nominee will:
- a) determine the matter on the basis of evidence brought forward by the complainant, the respondent, and/or the University, and act fairly, and in accordance with the relevant policy and procedures;
  - b) give all relevant parties a copy of, or an opportunity to inspect, all documentation relevant to the subject matter of the complaint;
  - c) give the parties a reasonable opportunity to make a case or response in writing and/or in person before the Investigator or nominee;
  - d) give the parties at least five working days written notice of the date, time and place of a meeting to which they are invited; and
  - e) manage any actual or imminent threat of harm.
- 6.16 The Investigator or nominee will normally facilitate resolution of the complaint within 30 working days of receipt from the Manager, Academic Quality and Standards (subject to Section 13).
- 6.17 The Investigator or nominee may:
- a) request to meet with the complainant and/or other parties to the complaint
  - b) request or access additional information;
  - c) seek advice from third parties, either internally or externally, including legal advice;
  - d) use a combination of investigation, mediation or negotiation to attempt to resolve the complaint;
  - e) where there is conflicting evidence, make a determination based on the balance of probabilities.
- 6.18 Failure of the complainant to appear for discussion of any complaint, at the time notified, will not prevent the matter being considered by the Investigator or nominee.
- 6.19 The Investigator or nominee may request to meet with the complainant and/or other parties.
- 6.19.1 A complainant may be accompanied and assisted, but not represented, by one support person.
- 6.19.2 Where a complainant has legal assistance, the University may also have legal assistance present.

## 7. OUTCOMES OF FORMAL RESOLUTION PROCESS

### **Possible Outcomes**

- 7.1 Following investigation of a complaint, the Investigator will determine that the complaint is:
- substantiated;
  - substantiated in part; or;
  - not substantiated.
- 7.2 A determination that a complaint is substantiated or partially substantiated may lead to any combination of the following outcomes, or any other outcome deemed appropriate in the circumstances:
- a) rectification of an administrative error;
  - b) implementation of a negotiated solution;
  - c) intervention by a senior staff member where an issue can be resolved under their delegated authority;
  - d) counselling or training of one, or more parties;
  - e) referral to another process within the University;
  - f) referral for disciplinary action, as appropriate (for staff or students);
  - g) a commitment by the University to improve existing services or processes;
  - h) a change in the provision of a unit or short course, including updated resources, redesigned assessment items, refreshed content or alternate teaching methodologies;
  - i) an apology.
- 7.3 Where a complaint outcome results in a decision or recommendation in favour of the complainant, the University will implement the decision or recommendation and/or take the preventative or corrective action required by the complaint decision as soon as possible.

### **Communication of Outcomes**

- 7.4 The Investigator will notify the complainant of the outcome of the investigation in writing within 5 working days of the Investigator's decision.
- 7.5 The communication to the complainant will include:
- a) the outcome of the investigation;
  - b) the reasons for the outcome; and
  - c) if the outcome is not favourable to the complainant, the processes available for internal and external review.
- 7.6 The Manager, Academic Quality and Standards will provide all parties involved in the resolution of the complaint with a written statement detailing the outcome (where appropriate), usually within 5 working days of the outcome being finalised.
- 7.7 The Investigator/ Manager, Academic Quality and Standards will provide updates on the progress of a complaint where appropriate and will inform the complainant if longer timeframes are to apply.

## **8. ANONYMITY**

8.1 Anonymous complaints will be accepted, however if a complainant elects to remain anonymous it may affect the University's ability to investigate, resolve and/or respond to the complaint.

## **9. UNREASONABLE COMPLAINANT CONDUCT**

9.1 Avondale will not consider complaints where any of the following are deemed to have occurred:

- a) unreasonable persistence that is continued, incessant and unrelenting including where the substance of the complaint or appeal has already been considered by the University and satisfactory measures have been taken to progress or resolve the matter;
- b) unreasonable demands (express or implied);
- c) unreasonable lack of cooperation;
- d) unreasonable arguments that are not based in reason or logic, that are incomprehensible, false, inflammatory, or trivial;
- e) unreasonable behaviours that compromise the health, safety and security of staff, other service users or students themselves.

## **10. WITHDRAWAL OF COMPLAINT**

10.1 A complainant may withdraw a complaint at any time during the process, in writing to the Manager, Academic Quality and Standards.

10.2 Upon receipt of this notification, consideration of the complaint may be discontinued by the University. However the University reserves the right to further investigate the matter on its own initiative based on information that has been provided or has subsequently been acquired relevant to the withdrawn complaint. This may occur if the University considers that;

- the complaint raises significant systemic issues that should be addressed; or
- the complaint is considered serious enough for an investigation to continue.

10.3 The University may refer any complaint to an external agency, such as the police if it considers it may be a serious indictable offence.

## **11. INDEPENDENT REVIEW: INTERNAL**

11.1 If the complainant is not satisfied that the complaint management process has led to an acceptable resolution, they may request a review of the investigation and the complaint outcome.

### ***Submission***

11.2 A request for a review must be made by the complainant in writing to [complaints@avondale.edu.au](mailto:complaints@avondale.edu.au) or by mail to the Manager, Academic Quality and



Standards and must clearly state the grounds for the review request and must include any relevant supporting documentation.

- 11.3 The request will only be accepted where one or more of the following conditions have been met:
- a) there is evidence to show that the process was not followed in accordance with Avondale Policy or Procedure or failed to provide procedural fairness;
  - b) substantial new evidence is now available that was not reasonably available at the time of the complaint submission;
  - c) the decision was manifestly unjust or unreasonable.
- 11.4 Any delay or failure by the University to comply with specified timeframes is unlikely to give rise to a lack of procedural fairness and therefore will not usually be a valid reason for a request for review.
- 11.5 A complainant does not have the right to request a review of the complaint outcome solely because they do not agree with the decision made.
- 11.6 The request for review of a complaint outcome must be received by the Manager, Academic Quality and Standards within 20 working days of the notification of the complaint outcome.
- 11.7 Late appeals will be accepted only when there are exceptional circumstances that prevented timely lodgement of the request.

#### **Action by the Manager, Academic Quality and Standards**

- 11.8 The Manager, Academic Quality and Standards will acknowledge receipt of the request within two working days.
- 11.9 Requests will be initially assessed by the Manager, Academic Quality and Standards who may request clarification, further details or additional evidence. Information may also be requested from other relevant parties.
- 11.10 The Manager, Academic Quality and Standards will:
- a) refer the complaint to the Provost; or
  - b) reject the appeal based on its failure to meet the conditions for review; or
  - c) where a major change in circumstance has arisen and the Manager, Academic Quality and Standards determines that it should be taken into consideration, the matter will normally be returned to the complaint handler who undertook the initial review, for further consideration.

#### **Investigation**

- 11.11 The Provost may review the complaint and the outcome from the formal resolution process or convene a committee to do so.
- 11.12 The size and membership of the committee is at the discretion of the Provost and is chaired by the Provost. All members of the committee will hold a level of seniority equal to or above the level of where the complaint occurred and not have a real or perceived conflict of interest, including prior involvement in the action/issue that led to the complaint;
- 11.13 The Provost or the committee may request to meet with the complainant and/or other parties, including the person responsible for determining the outcome of the formal complaint.

11.13.1 A complainant may be accompanied and assisted, but not represented, by one support person.

11.13.2 Where a complainant has legal assistance, the University may also have legal assistance present.

11.14 The Provost or the committee may review any facts that they consider relevant to the matter, including facts not presented in evidence in the original determination. They may also request or access additional information.

11.15 The Provost or the committee will decide on the outcome based on the evidence to hand. Where there is conflicting evidence, they may make a determination based on the balance of probabilities.

11.16 The Provost or the committee may:

- a) uphold the original decision without amendment;
- b) uphold the original decision but amend one or more of the outcomes;
- c) set aside the original decision and refer it back for new investigation; or
- d) set aside the original decision and substitute a different decision.

### **Communication of Outcomes**

11.17 The Manager, Academic Quality and Standards will usually notify the complainant of the outcome of the review within 20 working days of receipt of the request for review.

11.18 The communication to the complainant will include:

- d) the outcome of the investigation;
- e) the reasons for the outcome; and
- f) if the outcome is not favourable to the complainant, the fact that there are no further internal avenues for appeal, and the processes available for external review.

11.19 Where a delay occurs, the complainant will be informed of a revised timeframe within 20 working days of receipt of the complaint.

## **12. INDEPENDENT REVIEW: EXTERNAL**

12.1 If an internal review request is dismissed or the complainant is unsatisfied with the outcome of the internal review, there are no further avenues of complaint or appeal within the University.

12.2 If a complainant is dissatisfied with the outcome of the complaint, or how it has been handled by the University, the complainant may at any stage, refer the complaint to an external agency.

12.3 These agencies may include but are not limited to:

- [ASQA](#)
- [Commonwealth Ombudsman](#)
- [TEQSA](#)

12.4 Where this occurs, the University may decide to suspend or cease any internal process, pending the external investigation.

### 13. TIMELINE FOR RESPONSE

13.1 The timeframes set out in this procedure for University actions are estimates and are summarised in Appendix 1.

13.2 The University will endeavour to keep within the estimated timeframes, but this may not always be possible, for example where:

- the complaint involves several respondents;
- there is a time lag accessing relevant information;
- parties to the appeal are temporarily unavailable;
- the circumstances are complex;
- external consultants are engaged; or
- the University is waiting for further information from the complainant.

### 14. CONFIDENTIALITY

14.1 Staff processing complaints will take appropriate steps to ensure that confidential information is held securely, and only made available to those staff who need that information to make an informed decision or to refer a student for additional support.

14.2 All information will be treated in accordance with the provisions of Avondale's Privacy Policy.

### 15. DATA MANAGEMENT

15.1 All data in relation to formal complaint resolution and internal appeals will be collected and stored by the Manager, Academic Quality & Standards.

15.2 All records associated with complaints will be kept for a period of at least five years.

### 16. REPORTING

16.1 The Provost or nominee will submit an annual report on the number, nature and outcome of complaints, and any other relevant information (ensuring that all information is de-identified), to the Academic Board and Executive Committee, highlighting trends and addressing risk and quality issues.

16.2 In the case of a complaint taken to an external Ombudsperson or equivalent, the Officer responsible for actioning the recommendations will report a summary of the issue, the recommendations and the actions taken in a report to the Academic Board, Executive Committee and Avondale Council at the next meeting of each.

### Table of amendments

<b>Version Number</b>	1.0	<b>Replaces Version</b>	NEW
<b>Date Published</b>	29 November 2022	<b>Scheduled Review Date</b>	November 2027
<b>Approving Body</b>	Executive Committee	<b>Approval Date</b>	14 November 2022
<b>Policy Owner</b>	Manager, Academic Quality & Standards	<b>Date first introduced</b>	14 November 2022

<b>Short description of amendment</b>	
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## APPENDIX 1: Estimated\* Timeline

### Formal Resolution

Working Days from...	Action	Response to Complainant	Section
... receipt of complaint: 1	Automated system to complainant	"This is to acknowledge that we have received your complaint and will respond to you within 10 working days. Should you have any questions, please contact the Manager, AQS <a href="mailto:complaints@avondale.edu.au">complaints@avondale.edu.au</a> "	7.7
...receipt of complaint: 10	Manager, AQS: -preliminary evaluation of complaint and -respond to complainant and - forward to Investigator if accepted for investigation	If accepted for complaint investigation: -the actions to be taken by the University -expected timeframe (30 working days) -contact details for further information if not accepted under this Procedure: -the reason -other options for the complainant -if relevant, request for further information	7.8
... referral from MAQS: 30	Investigator or nominee: Investigate & resolve complaint.		7.16
... resolution of complaint: 5	Investigator to respond to complainant	To include: - the outcome - the reasons for the outcome  -and if the outcome is not favourable to the complainant, the processes available for internal and external review	8.4
	Investigator to notify all others involved		8.6

### Internal Review

Working Days from...	Action	Response to Complainant	Section
... request for review: 2	Manager, AQS to complainant	"This is to acknowledge that we have received your request for a review of the outcome of your complaint and will respond to you within 20 working days. Should you have any questions, please contact the Manager, AQS <a href="mailto:complaints@avondale.edu.au">complaints@avondale.edu.au</a> "	12.8
... request for review: 20	Manager, AQS to respond to complainant	To include: - the outcome - the reasons for the outcome  - if the outcome is not favourable to the complainant, the fact there are no further internal avenues for appeal  - and the processes available for external review	12.17

\*Refer Section 13