

Complaints Resolution Policy

Section 1 - Introduction

- (1) The University recognises an individual's right to make a complaint about the conduct of University operations, services, staff, students, or people associated with the university or using university facilities, where that individual's interests appear to have been adversely and unjustifiably impacted by such conduct.
- (2) The University encourages an organisational culture that responds to such complaints in an open and constructive manner, and in accordance with principles of procedural fairness.
- (3) The University is committed to the maintenance and improvement of a system of complaints management which facilitates good administration and a safe and cooperative environment for work and learning.
- (4) This policy must be read in conjunction with the [Complaints Resolution Procedure](#) and [Complaints Resolution Guideline](#).

Section 2 - Policy Intent

- (5) The objective of the complaints process is to provide administrative procedures by which complaints can be resolved expeditiously, via the best applicable means, and at the local level where possible.
- (6) The objective of a resolution under the complaints process is to assure a fair process, but not necessarily a specific outcome.
- (7) The effectiveness of this policy relies upon the cooperation of all parties to a complaint.

Section 3 - Overview of the Complaints Management Process

- (8) The process applies to all members of the University community, and provides a single general system to deal with complaints based on disputes, mismanagement and misconduct.
- (9) All complaints under this policy will be managed by the Director, Assurance Services.
- (10) Complaints will not be dealt with under more than one internal process at the same time. Wherever possible, the issue(s) of the complaint will be dealt with in totality by the Complaints Management process.
- (11) A complaint which, due to its nature and subject, would otherwise be managed through another prescribed process will be referred by the Complaints and Right to Information Officer to the appropriate area of the University. These include (but are not limited to) the following:
 - a. grade appeals, e.g. [Appeal Against Final Result Procedure](#);
 - b. industrial matters, e.g. under the provisions of the appropriate University Workplace Agreement;

- c. student misconduct matters, e.g. referral to a Student Academic Conduct Officer (SACO);
- d. Research misconduct e.g. Guidelines for the Investigation of Allegations of Research Misconduct.

(12) In the above cases the Complaints Resolution Policy will only apply where there is a complaint that the applicable policy or procedure in question has not been properly followed or the concern has arisen as the direct and demonstrable result of interpersonal conflict or a prejudicial relationship.

(13) Complaints will not normally be accepted if they are greater than 12 months old

(14) Complaints will be acknowledged, and the issues clarified to determine how and where the complaint is best handled.

(15) It is expected that complainants and respondents will cooperate in good faith with the complaints process.

(16) Complaints will be managed in a manner that:

- a. assists in the timely resolution of the complaint by facilitating early resolution at the lowest level possible;
- b. ensures the principles of procedural fairness are applied to all involved in the complaints process;
- c. ensures privacy and confidentiality are maintained for all parties involved in the complaints process;
- d. ensures that individuals involved in the handling of a complaint or investigating or adjudicating on a complaint, must not act in any complaint in which they have a conflict of interest;
- e. provides the University, or a particular section, of the University with the means to identify ways of improving the services it provides.

(17) A complainant may withdraw their complaint at any time.

(18) If a formal complaint has not been resolved within a reasonable timeframe, or if the processes used to resolve the complaint have been defective, a request for a review of the procedures can be lodged by the complainant.

(19) At any time, a complainant who is dissatisfied with the outcome of a complaint, or the processes used to resolve the complaint, can appeal to an external agency such as the [NSW Ombudsman](#).

(20) If the complaint is taken to an external agency, the University may cease the internal process.

(21) The University will take all reasonable steps to protect those who make public disclosures from any detrimental action under the [Public Disclosures Act 1994](#).

(22) Information about this policy and the complaint procedures will be widely disseminated within the University.

(23) Key staff will be provided with training organised by the University.

Status and Details

Status	Historic
Effective Date	22nd May 2013
Review Date	31st December 2019
Approval Authority	Vice-Chancellor
Approval Date	22nd May 2013
Expiry Date	28th May 2019
Responsible Executive	David Toll Chief Operating Officer
Enquiries Contact	Daniel Bell General Counsel

Glossary Terms and Definitions

"University" - The University of Newcastle, a body corporate established under sections 4 and 5 of the University of Newcastle Act 1989.

"Complainant" - As defined in Australian/New Zealand Standard - Guidelines for complaint management in organisations.

"Complaint" - As defined in Australian/New Zealand Standard - Guidelines for complaint management in organisations.

"Student" - A person formally enrolled in a course or active in a program offered by the University or affiliated entity.

"Student misconduct" - Academic misconduct, non-academic misconduct and/or research misconduct.

"Dispute" - Any dispute, difference or issue between the parties concerning or arising out of or in connection with or relating to an agreement or the subject matter of an agreement or the breach, validity, rectification, frustration, operation or interpretation of an agreement.

"Research misconduct" - Means conduct by a student that is defined as research misconduct in the Student Conduct Rule.

"Staff" - Means a person who was at the relevant time employed by the University and includes professional and academic staff of the University, by contract or ongoing, as well as conjoint staff but does not include visitors to the University.

"Student Academic Conduct Officer (SACO)" - An academic staff member appointed by the University to receive and manage reports of academic misconduct.