

# Complaints Resolution Procedure

## Section 1 - Context

(1) This procedure supports the [Complaint and Grievance Policy](#) and [Guidelines](#) and must be read in conjunction with those documents.

## Section 2 - Procedure

(2) This procedure sets out the four stages for dealing with a complaint. It is essential that a complainant, or any person affected by a complaint, refer to the [Complaints Resolution Guidelines](#) for further detail and advice on their rights and obligations in this process.

### Stage 1 - Informal Complaint

(3) Many problems can be resolved informally, either by a direct approach to the person or group whose actions have given rise to the complaint, or indirectly by other means.

(4) A direct approach may be made face to face or by phone, but can also be by email or in writing. Direct, open, and cooperative dialogue can often lead to a better understanding of the problem, and a quick and satisfactory resolution. The complainant should keep notes of the actions that he/she takes, and be aware that the principles of confidentiality apply to him/her, as well as the other participant.

(5) If a complainant is not comfortable making a direct approach, an Informal complaint may be made indirectly, through the following means:

- a. Staff or students may approach a Complaints Officer. Every Faculty and Division in the University has at least one designated Complaints Officer to deal with complaints, suggestions, inquiries, recommendations or requests for action. The Complaints Officer will provide advice and assistance to the complainant to enable them to resolve the complaint.
- b. Students at Callaghan campus also have the option to approach the Dean of Students, NUSA, or NUPSA. Students at Ourimbah campus also have the option to approach the Deputy Dean of Students, or Campus Central;
- c. For equity related complaints, the Equity and Diversity Unit can offer advice on policy and appropriate support mechanisms;
- d. People who are not staff or students of the University can approach the Complaints, Compliance and Policy Officer to make an informal (or formal) complaint, if the situation has arisen in the course of their dealings with the University;

(6) The Complaints, Compliance and Policy Officer receiving an informal complaint will take reasonable and prompt action to assist the complainant to resolve the complaint. If resolution cannot be achieved, the complainant will be provided with information on the alternative complaint resolution methods available, and the complaint or complainant will be referred to the Complaints, Compliance and Policy Officer.

(7) If a complainant is unsure who to approach, they are encouraged to approach the University Complaints Office for

information and advice.

## Stage 2 - Formal Complaint

(8) If a complaint has not been resolved at the informal stage, or is otherwise of a more serious nature, then a formal complaint should be made.

(9) The Complaints, Compliance and Policy Officer is authorised to consider, investigate and resolve formal complaints.

(10) A formal complaint must be submitted by the complainant, in writing, setting out the details of the complaint, including the background, the grounds of the complaint, the facts relied upon (the evidence), and the redress sought, together with all supporting documentation. All the information in support of the complaint should be provided at the beginning of the process.

(11) On receipt of a formal complaint, the University Complaints Office will:

- a. register and acknowledge receipt of the complaint to the complainant within 3 working days;
- b. clarify the complainant's issues, consulting with the complainant and other parties where necessary;
- c. consider whether the complaint requires or warrants referral due to its nature and subject, such as:
  - i. is appropriately dealt with under the provisions of another University process, such as the Workplace Agreement, the [Student Conduct Rule](#), or other prescribed University appeals processes; or
  - ii. is subject to mandatory reporting to an external agency, for example where a complaint concerns potentially criminal acts; corruption; sexual misconduct; or violence which involves children.
- d. consider whether the complaint requires or warrants consultation with other offices of the University, for example the University Legal Office on matters raising questions of procedural fairness, or the lawfulness or validity of administrative actions,
- e. consider whether the complaint constitutes a protected disclosure;
- f. assess the most suitable method for dealing with the complaint, for example whether the complaint is best resolved either by discussion/negotiation, by mediation, or investigation;
- g. where investigation is appropriate, either investigate the complaint directly, or assign the investigation to an investigation officer or investigation panel;
- h. ensure that steps are taken within 10 working days to begin resolution of the complaint, and inform the complainant and the respondent about the process and the timetable for resolution;
- i. when it is not possible to resolve the complaint within the stated timeframe advise the complainant and the respondent on progress every 10 working days;
- j. inform the complainant and the respondent of the outcome and the action taken to resolve the complaint;
- k. generally, oversee and/or manage the resolution of the complaint and refer to the relevant Deputy Vice-Chancellor as necessary;

(12) Mediation may be requested by either the complainant(s) or the respondent(s), or recommended by the Complaints, Compliance and Policy Officer.

(13) If a party chooses not to participate in mediation or another formal process, then a recommendation concerning resolution of the complaint will be made by the Complaints, Compliance and Policy Officer

## Investigation

(14) Investigations will generally be conducted by the Complaints, Compliance and Policy Officer. However, where a matter is deemed to require a more substantial investigation, the Complaints, Compliance and Policy Officer, in

consultation with the relevant Deputy Vice-Chancellor, may refer the complaint to an Investigative Panel or Investigation Officer, and determine the terms of reference for the investigation. Such terms of reference will be reviewed by the University Legal Office.

(15) A suitably qualified panel, with members who have had no prior involvement in the matter, with the capacity to consider the issues and provide a recommendation, will be convened. The Chair of the Panel will be someone other than a current student or member of staff. If appropriate, other guidelines e.g. [Investigation of Allegations of Research Misconduct Guidelines](#) will be taken into account in the formation of the panel.

(16) The University Investigative Panel, or Investigation Officer, will:

- a. receive the complaint from the Complaints, Compliance and Policy Officer, with the terms of reference;
- b. investigate the complaint within 10 working days of being convened;
- c. examine any other relevant documentation or speak to any person, including the complainant and the respondent, if necessary. (People may bring a support person to interviews with the Investigative Panel or Investigation Officer); and
- d. make a recommendation to the Director, Assurance Services or relevant Deputy Vice-Chancellor:
  - i. been substantiated, and that further action is required, and recommend what that further action might be; or
  - ii. not been substantiated, and that no further action should be taken.
- e. The Director, Assurance Services or relevant Deputy Vice-Chancellor, will:
  - i. receive and consider the recommendations of the Investigative Panel;
  - ii. advise the Complaints, Compliance and Policy Officer of the action(s) proposed; and
  - iii. provide a report to the Complaints, Compliance and Policy Officer when the action has been completed.

### **Stage 3 - Appeals Process**

(17) If a complainant or respondent believes that 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 with the Vice-Chancellor.

- a. An appeal must be lodged with the Vice-Chancellor, within 25 working days of notification of the outcome of the complaint and the grounds for appeal must be clearly set out.
- b. Upon receipt of the appeal the Vice-Chancellor shall undertake a preliminary review to determine the validity of the appeal. Once determined, and within 10 days of receiving the appeal, the Vice-Chancellor may:
  - i. dismiss the appeal if not valid;
  - ii. make a determination in relation to the appeal; or
  - iii. refer the appeal to an Appeal Committee.
- c. If the appeal is referred to an Appeal Committee, it will be determined by a Committee comprising:
  - i. Vice-Chancellor (or nominee) as chair; and
  - ii. a Complaints, Compliance and Policy Officer; and
  - iii. another member from the staff or student body as deemed appropriate by the nature of the original complaint.
- d. In considering an appeal the Committee:
  - i. will obtain and consider the written letter of appeal alleging breaches of procedures; and
  - ii. may obtain and consider any other material that in its opinion is relevant to the process.
- e. Where the Committee finds that the procedures had not been followed, it will direct the Complaints, Compliance and Policy Officer, or alternatively a suitable officer of the University, to take further action as appropriate.

## Stage 4 - Referral to Outside Agencies

(18) Any person, at any time, may make a complaint to an external agency, such as the [NSW Ombudsman](#).

(19) Similarly, a complainant who is not satisfied with the management of their complaint may choose to pursue the matter with the [NSW Ombudsman](#).

(20) The Ombudsman will generally only act if all of the internal stages of the complaint process have been exhausted.

(21) A complainant may otherwise choose to pursue the matter through other external agencies, such as:

- a. The [Anti-Discrimination Board of NSW](#);
- b. Workcover;
- c. The [Independent Commission Against Corruption \(ICAC\)](#);

(22) Where the University or a complainant refers a complaint to an outside agency, the University may cease dealing with the complaint while the external process is under way.

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	14th May 2012
<b>Review Date</b>	31st December 2019
<b>Approval Authority</b>	Vice-Chancellor
<b>Approval Date</b>	14th May 2012
<b>Expiry Date</b>	28th May 2019
<b>Responsible Executive</b>	Alex Zelinsky Vice-Chancellor alex.zelinsky@newcastle.edu.au
<b>Enquiries Contact</b>	Daniel Bell General Counsel and Chief Governance Officer

## 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.

**"Working day"** - Any day other than Saturday, Sunday, or a public holiday in Newcastle, on which business may be conducted.

**"Campus"** - means any place or premises owned or controlled by the University, but may also specifically refer to a designated operating location such as the Callaghan Campus.

**"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.

**"Course"** - When referring to a course offered by the University, a course is a set of learning activities or learning opportunities with defined, assessed and recorded learning outcomes. A course will be identified by an alphanumeric course code and course title. Course types include core courses, compulsory courses, directed courses, capstone courses and electives. For all other uses of this term, the generic definition applies.

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

**"Formal complaint"** - A concern which has not been resolved informally, and which is then set out in writing, and forwarded to the University's Complaints team.

**"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.