Complaints Policy - Students

Section 1 - Preamble

(1) Charles Darwin University ('the University', 'CDU') recognises that effective complaint management and the equitable review of decisions contribute to a positive and supportive learning environment for students. This policy is designed to ensure that student complaints are resolved promptly, with sensitivity to all parties and in line with the principles of procedural fairness. Students can feel confident that complaints will be dealt with fairly, appropriately and in a timely manner, and that they will not be penalised or disadvantaged for making a complaint.

Section 2 - Purpose

(2) This policy outlines the principles for effective complaint resolution, welcoming complaints on all aspects of University life and ensuring complaints are treated as valuable insights into improvements that are needed in students' experiences at CDU.

Section 3 - Scope

(3) This policy applies to all students who are enrolled at the University, whether in a qualification or short course, and includes those studying with partner organisations.

(4) Complaints resolved under this policy include:

a. academic complaints about the content, design or delivery of an academic program, clarity of an assessment item, university equipment, facilities or resources, or feedback provided by academic staff;
b. non-academic complaints about the quality or delivery of a university service or facility; or
c. unfair treatment by a member of the University community, including students, staff, contractors, or visitors to the University that occurs via any medium, noting that complaints about the conduct of a student may be managed under the provisions of the Code of Conduct - Students or the Student Academic Integrity Policy.

(5) Complaints not considered under this policy include those about:

a. the conduct of a staff member in a partner organisation (for example a placement provider), noting that students will be supported to make a complaint to the third party for resolution and that the University may still choose to act, including changing or terminating the relationship;
b. decisions made under another University policy where that decision is stipulated as final, or where that policy provides an avenue for a review of those decisions;
c. research integrity, including research ethics and the welfare of research subjects, managed under the University's research policies; or
d. sexual harassment or sexual assault, which are to made under the Sexual Exploitation, Abuse and Harassment Prevention Policy.

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Section 4 - Policy

(6) The University welcomes student concerns, complaints and feedback, aiming to resolve the issues at hand and improve its processes and services, delivering better outcomes for students.

(7) Complaint processes will be applied fairly and consistently and be clear and easy to follow, ensuring students understand their rights and responsibilities.

(8) The University will manage student complaints to ensure:

a. Procedural fairness: all parties have the right to be heard, decisions will be based on evidence and made in an objective and unbiased manner.
b. Local resolution: wherever possible, student complaints will be resolved locally through mediation or negotiation, managed by an appropriate staff member close to the source of the complaint.
c. Timeliness: complaints will be addressed in a timely manner, taking complexity into account.
d. Responsiveness: complaint outcomes will be communicated clearly, and formal complaint outcomes will be communicated in writing to all parties, including reasons for the outcome.
e. Confidentiality: complaints processes and records will be managed in a confidential manner.
f. Continuous improvement: the University will learn from complaints and use information to improve.

(9) All parties involved in a complaint are expected to be courteous and respectful, acting in a professional manner and in good faith to seek a reasonable resolution.

(10) Students who make a complaint can expect:

a. No disadvantage: students will not face disadvantage or a direct financial cost.
b. Access to support: students can involve a support person at any stage of the complaints process (who can attend meetings) and can access University support or advocacy services. All parties can seek advice from the Student Policy and Complaints team (SPC) on complaint processes.
c. The right to stop the process: students can withdraw a complaint at any time, noting that the University may decide to continue an investigation without further involvement from the complainant.
d. The right to appeal: students can appeal an outcome and/or refer a complaint to an external agency.

(11) Students may lodge a complaint anonymously, noting that the University might be limited in their ability to investigate or resolve the complaint.

(12) The University may conduct its own investigation based on information it receives, even if a complaint has not been submitted or has been withdrawn.

(13) A student who lodges a frivolous, vexatious, or deliberately misleading complaint will have it dismissed and may be subject to disciplinary procedures under the Student Code of Conduct.

Complaint resolution

(14) The University adopts a three (3) step approach in resolving student complaints:

a. Step 1: Local Resolution
b. Step 2: Formal Complaint
c. Step 3: Appeal

(15) Complaint or appeal outcomes will be evidence-based and consider the desired outcome of the complainant. There may be a wide range of outcomes appropriate for a complaint or appeal, including but not limited to:

a. upholding of an original decision, or a change to a decision;
b. resolution reached by mediation, which may include an apology;
c. a commitment by the University to improve existing services or processes;
d. penalties applied under related policies, including the Code of Conduct - Students;
e. provision of training or education for relevant parties;
f. a change in the provision of a unit or short course, including updated resources, redesigned assessment items, refreshed content or alternate teaching methodologies; or
g. other actions appropriate in staff or student disciplinary or misconduct cases.

Step 1: Local resolution

(16) Complaints raised quickly (within 10 working days) and locally often have the best chance of resolution and can result in immediate improvements in the local area.

(17) Students are encouraged to raise complaints with the staff member or area closest to the source of the issue. This can be done face-to-face, via telephone, or email.

a. Students can access support to raise their complaint at the local level from the Student Policy and Complaints team or Student Advocacy service for advice.

(18) 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.

(19) If the complaint can be resolved, the staff member involved will email the student summarising the initial concern and agreed resolution, with a copy to the Student Policy and Complaints team for record keeping.

a. If the complaint cannot be resolved, the student can proceed with a formal complaint.

(20) There is no requirement to resolve complaints locally. Students have the option of requesting a formal complaint as the first step in the complaint resolution process.

Step 2: Formal complaint

(21) A formal complaint can be submitted in writing (or another accessible format) to the Student Policy and Complaints team where:

a. a student is unsatisfied with the outcome of attempts at local resolution; or
b. a student chooses to commence a formal complaint without attempting local resolution.

(22) Formal complaints should be submitted within twenty (20) working days of the incident occurring or, where local resolution was attempted, within twenty (20) working days of the notification of the outcome.

a. Late complaints will be accepted where there are exceptional circumstances that prevented timely lodging of a complaint.

(23) The Student Policy and Complaints team will acknowledge receipt of a complaint within two (2) working days.

(24) Formal complaints will be assessed by the Student Policy and Complaints team within 10 working days of receipt. Students may be asked to clarify the complaint, provide a detailed statement or provide additional evidence.

Information may also be requested from other relevant parties.

(25) The team will then:

a. refer the complaint to the appropriate decision maker for review and determination; or
b. advise the student that the complaint needs to be considered under another process within the University.

(26) Staff members responsible for resolving formal complaints may request to meet with the complainant and with other parties to the complaint and may request or access additional information. They may use a combination of investigation, mediation or negotiation to attempt to resolve the complaint. Where there is conflicting evidence, they may make a determination based on the balance of probabilities.

(27) Students will usually be provided with a written outcome within ten (10) working days of the referral of the complaint, including details of the basis of any decisions, and the student's option to appeal.

a. A complaint resolution can be delayed due to the complexity or serious nature of the matter, or because parties to the complaint are temporarily unavailable, or because there is a time lag in accessing relevant information.
b. Where such a delay occurs, the student will be informed of a revised timeframe.

(28) The Student Policy and Complaints team will monitor the progress of all formal complaints and keep students informed about their progress.

Step 3: Appeal

(29) A student can lodge an appeal in writing (or another accessible format) with the Student Policy and Complaints team within twenty (20) working days of receiving the outcome of their formal complaint.

a. Late appeals will be accepted where there are exceptional circumstances that prevented timely lodging of a complaint.

(30) An appeal will only be accepted where one or more of the following conditions have been met:

a. the process was not followed correctly, or failed to provide procedural fairness;
b. additional information or evidence is available now, but was not reasonably available at the time of the formal complaint submission; or
c. the decision was manifestly unjust.

(31) The Student Policy and Complaints team will acknowledge receipt of an appeal within two (2) working days.

(32) Appeals will be assessed by the Student Policy and Complaints team. Students may be asked to clarify the appeal, provide a detailed statement or provide additional evidence. Information may also be requested from other relevant parties.

(33) The team will either:

a. refer the complaint to the next meeting of the Student Appeals Committee; or
b. reject the appeal based on it failing to meet the conditions of an appeal.

(34) The Student Appeals Committee may request to meet with the appellant and with other parties to the appeal, including the person responsible for determining the outcome of the formal complaint. They may also request or access additional information. The Student Appeals Committee will then decide on the appeal outcome based on the evidence to hand. Where there is conflicting evidence, they may make a determination based on the balance of

probabilities.

(35) Students will usually be provided with a written outcome within twenty (20) working days of the appeal submission, including details of the basis of any decisions.

a. An appeal resolution can be delayed due to the complexity or serious nature of the matter, or because parties to the appeal are temporarily unavailable, or because the there is a time lag in accessing relevant information.
b. Where such a delay occurs, the student will be informed of a revised timeframe.

(36) The Student Policy and Complaints team will monitor the progress of all appeals and keep students informed about their progress, taking into consideration student visa requirements.

External avenue for appeal

(37) The outcome of an appeal is final and there are no further avenues of recourse within the University.

(38) Where a student is dissatisfied with the outcome of an appeal, they may refer the matter to an appropriate external organisation, usually (but not limited to) the Ombudsman NT.

a. Students may choose to take their appeal to other regulatory or statutory authorities, guided by their stated scope of power or jurisdiction.

(39) A student with a complaint against the University may seek external review at any stage of the complaint resolution process, although it is expected that a student will have accessed internal processes before commencing external proceedings.

a. If the University receives notification that a complaint is the subject of formal external enquiry or legal action, the internal resolution process will be suspended until the external action is completed.
b. However, in cases of formal complaints involving sexual harassment and sexual assault, making a police report will not stop the University from acting on the formal complaint, or issuing an outcome to that complaint.

(40) If a student on the VET Student Loan Scheme lodges an external complaint and is charged a fee, the University will reimburse the cost of the resolution process. However, where the student is accompanied or assisted by another person at the review, it will be at the student's expense.

Conflicts of interest

(41) Any staff member with a perceived or actual conflict of interest in a complaint or appeal will not play a decision-making role or exert influence over the outcome of a case.

a. A formal complaint will not be determined by a staff member who was directly involved in attempting to reach an informal resolution for the same complaint.
b. An appeal will not be determined by a staff member who was directly involved in attempting to reach a formal resolution for the same complaint.
c. Where a member of the Student Appeals Committee was directly involved in an earlier stage of the complaint, they will recuse themselves from the Committee for the consideration of that case.

Reporting on complaints

(42) Confidential records relating to actions and outcomes of student complaints and appeals will be retained by the Student Policy and Complaints team and held separately from student academic records. Records will be disposed of according to the relevant University Retention and Disposal Schedules.

(43) The Student Policy and Complaints team will aggregate data to monitor, review and report on complaints to relevant management and governance committees to identify common themes, trends and drive improvements.

a. Reports will be tabled at the Vice-chancellor's Advisory Committee, the Learning Teaching and Assessment Committee, the Academic Board and the University Council's Audit, Risk and Compliance Committee.
b. Reporting will occur on a regular cycle, and every effort will be made not to disclose any details that could identify individual complainants.

Section 5 - Non-Compliance

(44) Non-compliance with Governance Documents is considered a breach of the Code of Conduct – Staff or the Code of Conduct – Students, as applicable, and is treated seriously by the University. Reports of concerns about non-compliance will be managed in accordance with the applicable disciplinary procedures outlined in the Charles Darwin University and Union Enterprise Agreement 2022 and the Code of Conduct – Students.

(45) Complaints may be raised in accordance with the Complaints and Grievance Policy and Procedure - Employees and Complaints Policy - Students.

(46) All staff members have an individual responsibility to raise any suspicion, allegation or report of fraud or corruption in accordance with the Fraud and Corruption Control Policy and Whistleblower Reporting (Improper Conduct) Procedure.

Status and Details

Status	Historic
Effective Date	1st June 2022
Review Date	29th September 2023
Approval Authority	University Secretary
Approval Date	30th May 2022
Expiry Date	11th May 2025
Responsible Executive	Louise King Provost
Implementation Officer	Drew Harper Manager Student Policy and Complaints
Enquiries Contact	Drew Harper Manager Student Policy and Complaints

Glossary Terms and Definitions

"Exceptional circumstance" - A situation which is beyond the student's control, is not reasonably foreseeable and which prevents the student from engaging in a University activity. Examples may include sudden illness or disability; loss of employment; an inability to obtain a student visa; death of the student or a close family member (parent, sibling, spouse or child); natural catastrophe; or a political or civil uprising.

"Support person" - In the context of the Complaints Policy – Students, a support person refers to a person that a student can nominate to provide them with emotional support and reassurance. This person is not an advocate and therefore cannot act for the student.

"Manifestly unjust" - In the context of the Complaints Policy – Students, refers to an outcome based on false, misleading or irrelevant information, or influenced by alleged bias or discrimination, or a decision that is not supported by the evidence, but does not include cases where the complainant simply disagrees with a decision.

"Balance of probabilities" - Relates to the standard of proof required to determine whether there is sufficient evidence to substantiate allegations and is reached when a fact is more probable than not.

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