

# UNIVERSITY STUDENT OMBUDSMAN PROCEDURE

## SCOPE

- All currently enrolled students
- All courses
- All locations
- Prospective students whose complaint or grievance relates to administrative processes during application, selection or admission
- Complaints and grievances by past coursework students may be lodged up to six months after course completion, or after enrolment is discontinued.
- Complaints and grievances by past graduate research students within six months:
  - of the written notification of the individual's thesis examination;
  - of written notification that the individual's enrolment has been discontinued in good standing;
  - of written notification that their enrolment has been withdrawn in good standing.
- The University has separate procedures for exclusion for unsatisfactory academic progress, discipline, exclusion for health reasons and sexual harassment. These matters are not within scope of this policy.

## PROCEDURE STATEMENT

### 1. Lodgement, Assessment and Investigation of Complaints

#### Lodging a complaint or enquiry

- 1.1 Students are encouraged to submit enquiries and complaints by [email](#).
- 1.2 Where required, assistance will be provided to lodge a written grievance and students will be referred to Student Rights Officers or other support persons.
- 1.3 Written enquiries/complaints will be acknowledged within three working days.

#### Assessing a complaint or enquiry

- 1.4 The USO will assess whether:
  - the enquiry/grievance comes within the scope of the policy;
  - the grievance process has been completed in the relevant faculty/department.
- 1.5 If the matter does not come within the scope of the policy and cannot be reviewed by the USO the student will be referred to the appropriate body and given contact details.
- 1.6 If the faculty or department grievance procedure has not been completed the USO may:
  - advise students to contact the faculty/department and provide contact details;
  - obtain the student's permission to refer the complaint directly to the appropriate person;
  - assist students to follow the appropriate grievance procedures with the faculty/department; or
  - take other action as the USO deems appropriate to the circumstances.
- 1.7 If contacts or enquiries by students indicate there may be a systemic issue which requires action by the University, even if the matter does not come within the scope of the University Student Ombudsman policy, the USO may notify the faculty/department of that issue, after receiving the student's permission.

- 1.7.1 If permission is not obtained and the issue can be notified without identifying individual students, the USO may take that action.

### Preserving confidentiality

- 1.8 Information relating to a complaint provided to the USO office by students or staff will remain confidential and only be communicated:
- in the process of investigation and conciliation of the complaint;
  - to those parties directly involved in the investigation and complaint resolution;
  - for the purpose of meeting government legislative requirements including privacy and disclosure requirements; or
  - with the consent of the person providing the information.
- 1.9 The USO will keep a confidential register of contacts and enquiries received and responses made.
- 1.10 The USO will keep a confidential file of all investigations to include all emails, correspondence, file notes, records of interviews, records of telephone calls and reports generated during the investigation.

### Conducting informal enquiries

- 1.11 The USO may conduct informal enquiries to determine whether a matter warrants investigation. Informal enquiries may be by telephone, email, letter or face to face meeting.
- 1.12 If practicable, the USO will generally interview the student in person and seek written permission for access to all relevant documentation including the student file.
- 1.13 In the course of informal enquiries, the USO may request information and documents from the student or faculty/department.
- 1.14 The USO will assess by informal enquiries whether the matter might be resolved by further action such as negotiation or conciliation or whether the matter should proceed to an independent investigation.
- 1.15 If the USO believes the matter may be resolved by further action by the faculty/department the USO will refer the matter back, together with any relevant comments on how the matter may be resolved. The USO will request advice from the faculty/department of the resolution reached.

### Conducting investigations

- 1.16 If the USO determines that the matter warrants an independent investigation the USO will:
- develop a written investigation plan to be placed on file and regularly updated.
  - within five working days of making this decision advise the DVC (Education) of the intention to investigate and broadly outline the allegations. Advice will normally be by e-mail.
  - within five working days of making this decision inform the Dean of the faculty involved, or the senior manager of the relevant department, of the intention to investigate and broadly outline the allegations and the staff members to be consulted. Advice will normally be by e-mail.
  - within five working days of making this decision inform the relevant Associate Dean, or equivalent, or the Faculty Manager or senior staff member of the relevant department, of the intention to investigate and broadly outline the allegations and the staff members to be consulted. Advice will normally be by e-mail.
  - within five working days of making this decision advise the student that an investigation will be conducted, outline the allegations to be investigated and request any further information necessary. The USO will seek written permission for access to all relevant documentation including the student file.
  - obtain expert advice including independent legal advice if required.
- 1.17 If further allegations arise in the course of the investigation the USO may decide to investigate or will refer such allegations to the relevant faculty/department, or to another appropriate body for investigation.

- 1.18 At any stage in the investigation the USO may decide that informal resolution or conciliation should be attempted and make that recommendation to both parties. If either party suggests conciliation or other forms of resolution the USO will bring this to the attention of both parties.
- 1.19 The USO may choose to hold a meeting or conference for the purpose of achieving informal resolution.
- 1.20 All requests for documentation relevant to a formal investigation from the student or the faculty/department will be made in writing (usually by email).
- Faculties/departments will be given five working days to respond.
  - The faculty/department will generally be asked for the initial grievance as submitted by the student and attached documentation; the file containing all documents related to the initial investigation at the department/faculty including records of interview, records of telephone conversations, relevant e-mails, reports of conciliation meetings and outcomes and where relevant the student records file.
  - The student will be advised that the investigation may not proceed if documents requested from the student cannot be provided.

### Consulting with staff members relevant to the case

- 1.21 The USO will identify the parties to be consulted in the initial advice to the faculty/department. The Dean or appropriate senior manager will be advised if further staff members are to be consulted in the course of the investigation.
- 1.22 Consultation may be in writing, by telephone, face to face meeting or formal recorded interviews, depending on the assessment of the USO.
- 1.23 Where interviews are conducted, the student or staff member may be accompanied by a support person, usually a fellow student or colleague who has had no involvement in the complaint or a union or association representative. The USO will be advised of the intention to bring another person at least two working days prior to the interview. The support person will have an observer role only and take no part in the interview. The support person will be invited to comment prior to completion of the interview.
- 1.24 If the student or staff member is accompanied by a representative such as a Students Rights Officer the representative may request to assist in the course of the interview only if the USO agrees that it is necessary. This will be agreed prior to the interview.
- 1.25 This grievance procedure is designed to be prompt, informal and non-adversarial. Accordingly, the conduct of interviews will generally not be assisted by the involvement of a legally qualified person. But there may be exceptions. Where a student or staff member wishes to be accompanied by a legally qualified person, s/he should make a written request to the USO at least five working days before the interview is scheduled. The USO will decide whether to grant or refuse the request before the scheduled interview. If the request is granted, the legally qualified person will have an observer role only. The USO will be invited to comment prior to completion of the interview.

### Updating the student and faculty/department

- 1.26 In complex investigations where the duration of the investigation exceeds the expected timelines the parties to the grievance will be updated monthly on the progress of the investigation.

## 2. Findings of the Investigation

### Initial report of findings

- 2.1 The University Student Ombudsman's initial report of findings will include:
- a summary of the grievance and the response by the faculty/department;
  - a summary of the issues raised by the grievance;
  - an analysis of the case including application of any relevant legislation, policy and procedures, principles of good practice and fairness;
  - reasons for the finding and proposed resolution.
- 2.2 The initial report of findings will be provided to the student and the faculty/department for response. The USO will decide whether it is appropriate to report by formal report or letter. This may vary according to the circumstances of the case.
- 2.3 The responses of all parties will be taken into account in the final report to the Deputy Vice-Chancellor (Education) with recommendations for resolution of the grievance.

## Making recommendations

- 2.4 The USO will make recommendations to the Deputy Vice-Chancellor (Education) for resolution of the grievance within 20 working days of commencement of the investigation. If this timeline cannot be met the USO will make an interim report and provide reasons for the longer timeline.
- 2.5 The USO will advise the student of the recommendations to the Deputy Vice-Chancellor (Education) and the response of the faculty/department to the recommendations.

## Making recommendations

- 2.6 The USO will make an annual report to the University Council about the number and nature of grievances received, the outcome of the grievances and any recommendations for the improvement of policies, procedures and practices.

## GOVERNANCE

Parent policy	University Student Ombudsman Policy
Supporting schedules	N/A
Associated procedures	Student Complaints and Grievances Procedures Privacy Procedure
Legislation mandating compliance	Higher Education Threshold Standards (2015) National Code of Practice for Providers of Education and Training to Overseas Students (2018) Higher Education Support Act (2003)
Category	Academic
Approval	Vice-Chancellor September 2007 Agenda item 4
Endorsement	University Student Ombudsman Implementation Committee 11 September 2007
Procedure owner	University Student Ombudsman
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