

## Monash University Procedure

<b>Procedure Title</b>	Student Complaints and Grievances Procedures
<b>Parent Policy</b>	<a href="#">Student Complaints and Grievances Policy</a>
<b>Date Effective</b>	20-September-2016
<b>Review Date</b>	20-September-2019
<b>Procedure Owner</b>	Vice-Provost (Learning and Teaching); Vice-Provost (Faculty and Graduate Affairs)
<b>Category</b>	Academic Quality and Standards
<b>Version Number</b>	4.0
<b>Content Enquiries</b>	<a href="#">Education Policy Unit</a>
<b>Scope</b>	<p>This procedure applies to:</p> <ul style="list-style-type: none"> <li>• All campuses and teaching locations</li> <li>• All coursework and graduate research courses, including non-award courses</li> <li>• Current and former students</li> <li>• Prospective students whose complaint or grievance relates to administrative processes during application, selection or admission</li> </ul> <p>Complaints must be made, or grievances lodged, within the timeframe prescribed in the procedures.</p> <p>The University has separate procedures for exclusion for unsatisfactory academic progress, progress management, discipline, revocation of degrees or awards, exclusion for safety reasons and complaints of unprofessional or inappropriate conduct by staff, discrimination or harassment. This policy may not be used to:</p> <ul style="list-style-type: none"> <li>• Initiate an action about discrimination or harassment or to complain about the outcome of a matter which has been handled under the University's Discrimination and Harassment Grievance Procedures;</li> <li>• Initiate an action relating to unprofessional or inappropriate conduct by staff or to complain about the outcome of a matter which has been handled under the Conduct and Compliance Procedures – Staff/Student Relationships;</li> <li>• Complain about an outcome reached under processes contained in <ul style="list-style-type: none"> <li>• <a href="#">Monash University (Council) Regulations</a> Part 7 - Student Discipline</li> <li>• <a href="#">Monash University (Council) Regulations</a> Part 8 - Revocation of Degrees or Other Awards</li> <li>• <a href="#">Monash University (Academic Board) Regulations</a> Part 4 - Exclusion for Unsatisfactory Progress or Inability to Progress</li> <li>• <a href="#">Monash University (Academic Board) Regulations</a> Part 6 - Student Progress Management</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li><a href="#">Monash University (Vice-Chancellor) Regulations</a> Part 6 - Exclusion for Health Reasons</li> </ul> <p><i>Grievances relating to financial assistance decisions that are reviewable decisions under the Higher Education Support Act 2003 do not fall within the scope of this policy.</i></p>
<b>Purpose</b>	<ul style="list-style-type: none"> <li>To provide a framework for resolving complaints and grievances made by students;</li> <li>To set out the rights and responsibilities of both the University and the student with regards to academic and administrative complaints and grievances.</li> </ul>
<b>PROCEDURE STATEMENT</b>	

***Please note that these Procedures apply to grievances lodged after 22 April 2015. For grievances lodged on or before 22 April 2015, please refer to the previous [Complaints and Grievances of Coursework Students Procedures](#) or the [HDR candidature : Academic and Administrative Complaints Procedures](#).***

### Summary of process

1. The University strives to resolve complaints and grievances as close as possible to the source. The resolution process is conducted in three stages:
  - a. Complaint - informal resolution process. Complaints are dealt with by a staff member close to where the complaint arose.
  - b. Grievance - formal resolution process. Grievances are investigated by designated staff members who have not had previous involvement with the complaint.
  - c. Review - internal review process conducted by the University Student Ombudsman. The University Student Ombudsman is appointed by the University Council and is independent of the university administrative structure.

#### **Responsibility**

University staff  
Grievance officers  
Investigating officers  
University Student Ombudsman

### Advice and support for students

2. Depending on the nature of the complaint or grievance, a student is encouraged to seek advice or support from any of the student support services available within the University. Campus-based student rights officers are independent of the University and can provide confidential and impartial advice.
3. Students will be advised during University orientation and induction programs of the Student Complaints and Grievances Policy and Procedures and student support services.
4. A student making a complaint or grievance may be accompanied at any meeting or consultation by one support person. The support person must be either an employee of a recognised student association, or another person who is not legally trained. The accompanying person may assist the student but may not present the case on behalf of the student.

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### Responsibility

Staff responsible for orientation and induction  
Investigating officers

### Advice and support for staff subject to a complaint or grievance

5. A staff member facing allegations under this procedure may be accompanied at any meeting or consultation by one support person. The support person must be either an employee of the University, or another person who is not legally trained. The accompanying person may assist the staff member but may not present the case on his/her behalf.
6. The staff member concerned should contact a support person of their choice directly.
7. Staff members may consult the Office of the General Counsel / Campus Solicitor's Office (Monash Malaysia) for an explanation of their rights under these procedures to respond to a complaint or grievance against them. The Office of the General Counsel / Campus Solicitor's Office (Monash Malaysia) will not legally advise or represent an individual staff member.

### Responsibility

University staff  
Office of the General Counsel  
Campus Solicitor's Office (Monash Malaysia)

### Making a complaint

8. A student must attempt to resolve a complaint informally with the staff member or area concerned before lodging a formal grievance, unless there is a compelling reason not to do so.
9. A student must raise a complaint as soon as possible after the event that gave rise to the complaint. In the case of a complaint regarding an assessment task, examination or thesis, a complaint should not be made until the marking process or thesis examination process has been completed.
10. A complaint may be made verbally or in writing, for example via email.
11. If the complaint is not resolved the student may direct the complaint to the next appropriate level. Refer to the student complaints and grievances website for further information.
12. A student may make a complaint directly to the next level if the staff member is unavailable or the complaint is one of bias on the part of the staff member concerned.
13. When a student makes a complaint, or lodges a grievance, the University expects the student to:
  - Treat staff with courtesy and respect;
  - Not engage in behaviour that, because of its nature or frequency raises substantial health, safety, resource or equity issues;
  - Not make complaints or grievances that are frivolous, vexatious or lacking in substance;
  - Provide truthful information and not purposely misrepresent or withhold relevant information;
  - Articulate the desired outcome that would resolve the matter;
  - Cooperate with the process, including answering questions, providing further information and copies of documents, and attending meetings if requested;
  - Keep records of his/her interaction with the University, including consultation with staff.

### Responsibility

Student

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### Resolution of complaints

14. Staff members must consider complaints with an open mind.
15. A staff member may respond to a complaint verbally or in writing.
16. A staff member dealing with a complaint must respect the privacy of the student by only discussing the complaint with persons who are involved in the case or who can provide advice on the matter.

#### **Responsibility**

University staff

### Lodging a grievance

17. If the complaint is not resolved, the student may make a written request for resolution of the matter to the grievance officer of the faculty, division or section. The matter is now considered a grievance. Students are encouraged to seek assistance from the appropriate campus-based association in preparing a written grievance.
18. A student lodging a grievance must use the [prescribed form](#).
19. Students intending to lodge a grievance should do so as soon as possible but no later than six months from the date of the event that gave rise to the complaint or grievance, or, where the grievance relates to a unit of study, four weeks from the release of results for that unit, whichever is later. The Dean, director or manager of the faculty/division/section may allow a longer timeframe in exceptional circumstances where a student has been unable to lodge a grievance due to compelling circumstances beyond his/her control. The timeframe to lodge a grievance must not be extended where the delay in lodging the grievance will significantly impact the availability of information to enable the University to conduct an effective investigation or offer an appropriate resolution to the student.
20. A student should lodge a grievance with:
  - the faculty which teaches a coursework unit that has given rise to the grievance; or
  - the faculty which manages a course that has given rise to the grievance; or
  - the division or section responsible for the function that has given rise to the grievance; or
  - the Monash Graduate Research Office (MGRO) for matters related to the research component of a higher degree by research.
21. Further information about where to direct a grievance is provided on the [student complaints and grievances website](#).
22. A student may withdraw a grievance at any stage by giving written notice to the grievance officer.

#### **Responsibility**

Student

Grievance officers

Deans/directors/managers of faculties/divisions/sections

### Appointment of grievance officers

23. Each faculty, division and major section of the University will nominate at least one grievance officer to perform the duties outlined in these procedures and the parent policy.
24. At least one assistant grievance officer will be appointed to handle cases where the grievance officer is unavailable or, in the opinion of the Dean or divisional head or section manager, has had prior involvement in the complaint.

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25. The Dean, director or manager of the faculty/division/section will determine in advance and publish the contact details of the grievance officer.

### **Responsibility**

Deans/directors/managers of faculties/divisions/sections

## Preliminary assessment and referral for investigation

26. Where a grievance appears to be academic in nature and is related to the research component of a higher degree by research, the Monash Graduate Research Office (MGRO) Grievance Officer will undertake the responsibilities of the grievance officer set out in these procedures.
27. The grievance officer will endeavour to acknowledge receipt of the grievance via email to the student within five working days of the grievance being lodged. The grievance receipt should explain the anticipated timelines for resolution and contain any other relevant information, including information about relevant university support services.
28. The grievance officer will determine whether the grievance can be investigated within the scope of the Student Complaints and Grievances Policy and whether the grievance was lodged within the timeframe prescribed in these procedures.
- a. Where the grievance is of a nature that can be investigated under the scope of the Student Complaints and Grievances Policy, and it was lodged within the prescribed timeframe, the grievance officer will determine whether the grievance is academic or administrative in nature, record details of the grievance and refer the grievance for investigation.
  - b. Where the grievance sits outside the scope of the policy, or it was lodged out of time, the grievance officer will send an email to the student, within ten working days of the grievance being lodged, explaining why the matter cannot be investigated under the policy and associated procedures. If the matter falls within the scope of another university policy, regulation or statute, the student is to be directed to the relevant information.
29. In the case of an academic grievance:
- a. For any matter related to coursework, the grievance officer will direct the matter to the Associate or Deputy Dean (Education) of the appropriate faculty, or nominee, who will act as the investigating officer;
  - b. For any matter related to the research component of a higher degree by research the MGRO Grievance Officer will direct the matter to the Vice-Provost (Faculty and Graduate Affairs) [VP(FGA)], or nominee, who will appoint as investigating officer an Associate Dean (Graduate Research), or staff member of similar seniority or suitable experience, who may be from a faculty other than that in which the grievance arose.
30. In the case of an administrative grievance, the grievance officer will direct the matter to the faculty manager of the appropriate faculty, or nominee, who will act as the investigating officer. If the matter concerns a non-faculty administrative grievance, the matter will be directed to the director or equivalent senior manager of the relevant division/section or, in Monash Malaysia, the administrative/service area, or nominee, who will act as the investigating officer.
31. If there is a reasonable apprehension of bias on the part of the investigating officer, the grievance officer will request that the Dean appoint a person to undertake the responsibilities of the investigating officer for the particular case. If the matter concerns a non-faculty grievance, the grievance officer will direct the request to a staff member of a similar or higher level of seniority who will appoint a person to undertake the responsibilities of the investigating officer for the particular case.
32. Where the Associate or Deputy Dean (Education), faculty manager, director or senior manager has appointed a nominee, the nominee must be of a similar level of seniority or suitable experience.

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33. If the grievance officer is unable to assess the student's grievance due to insufficient information or clarity, the student will be contacted within ten working days of the grievance being lodged. The grievance officer will outline what the student must do or provide for their grievance to be reviewed, and will also direct the student to appropriate university support services. The date that the student provides the requested information will be considered the lodgement date for the purposes of the investigation.
34. In the case of an academic grievance, the investigating officer must delay the investigation until marking or thesis examination has been completed, if they deem that the investigation may otherwise influence, or be perceived to influence, the marking of assessment or examination of a thesis. The grievance officer will notify the student of any changes to the anticipated timeline for resolution of the grievance.
35. If the grievance officer is of the opinion that the grievance is frivolous, vexatious or lacking in substance, they can recommend to the investigating officer that the process be discontinued. The investigating officer can determine that they will not investigate the matter further. The student will be advised accordingly and provided with reasons for the decision.
36. Unless the Vice-Chancellor or nominee directs otherwise under another procedure of the University, the student's enrolment status must be maintained pending the outcome of the grievance process.
37. If a student has been notified of:
  - the commencement of another proceeding (e.g. a disciplinary process or notice of a possible decision affecting enrolment for safety reasons, etc.); or
  - in the case of a graduate research student, the decision to review or terminate enrolment due to unsatisfactory progress; or
  - in all other cases, the commencement of the unsatisfactory academic progress process,at the time the formal grievance is lodged, the other proceeding must be determined before the grievance is dealt with. A grievance investigation may not run concurrently. A grievance which is lodged for the purpose of delaying another proceeding may be dismissed on the ground that it is an abuse of process.
38. Where the order of proceedings is unclear, a final determination of the ordering shall be made:
  - in the case of a graduate research student, by the VP(GE) or nominee; and
  - in any other case, the Dean of the teaching faculty or nominee.

### Responsibility

Grievance officers

Associate Deans (Education) and Deputy Deans (Education)

Vice-Provost (Faculty and Graduate Affairs)

Faculty managers

Senior managers of administrative/service areas, or equivalent (Monash Malaysia)

Associate Deans (Graduate Research)

Directors/managers of divisions/sections

## Investigation and resolution of grievance

39. The investigating officer is to commence conducting an investigation within ten working days of the grievance being lodged by the student.
40. For academic grievances related to the research component of a higher degree by research (as per section 29b above) the investigating officer will make recommendations to the VP (GE) or nominee who is responsible to determine the grievance.

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41. The investigating officer may in any case be assisted in the investigation by another person. The investigating officer shall ensure that he/she obtains a detailed summary of the evidence and exercises independent judgment when making the decision or recommendation.
42. The investigating officer may conclude that the grievance is frivolous, vexatious, or lacking in substance and, in the case of a higher degree by research under section 38, recommend it be dismissed and in all other cases determine that it is dismissed. A grievance by a prospective student against a selection decision may be dismissed as lacking in substance if the decision is consistent with the published selection criteria, or if the complainant meets the published selection criteria but was declined entry in favour of better qualified applicants.
43. Where determined that a grievance is dismissed under section 40 or an investigation is discontinued on account of the student's conduct (see sections 7, 9 and 10 of the policy), the student is to be advised of this decision via email within 5 working days of the decision being made. The email must give details of the reasons for this decision and explain the student's right to request a review by the University Student Ombudsman. A [grievance outcome template letter](#) is provided for this purpose.
44. A grievance will only be discussed with persons who:
  - can provide information relevant to the investigation;
  - can provide advice to the student, any person complained about or the grievance officer, investigator or decision maker;
  - are involved in implementing the decision, or;
  - are involved in correcting any systemic issues found in the investigation of the grievance.
45. Where a grievance concerns a staff member, the investigating officer must consult with that person. No action in response to the grievance will be taken or suggested to the student without consultation with the staff member concerned.
46. The investigating officer may call a meeting with the parties concerned, for the purpose of discussing and, if possible, concluding an agreed resolution. Prior to the meeting, the student and any staff member party to the grievance should be given a meeting agenda stating the purpose of the meeting, names of the participants and any other information that will help them prepare for the meeting. The findings of the investigation to date may be presented at this meeting.
47. A student or staff member who is a party to a grievance may be accompanied at any meeting or consultation by one support person, as set out in sections 5 and 6.
48. If, due to unforeseen circumstances (e.g. staff on leave), an investigation cannot be concluded within twenty working days of the grievance being lodged, the investigating officer is to send the student an email on the status of the matter using the [grievance status template letter](#).
49. At the conclusion of their investigation, the investigating officer will present to the student in writing the findings of their investigations and reasons and any recommendations arising from those investigations. In the case of graduate research matters (as per section 29b above), the investigating officer will present their advice about the findings of their investigation and reasons, and any recommendations, to the VP(GE) or nominee. The VP(GE) or nominee will consider the advice and make a prompt decision in response to them. The recommendations of the VP(GE) or nominee, along with the findings of the investigation and reasons, will be presented to the student in writing. Where it is considered appropriate to resolve the matter, the recommendations can be presented to the students for response in advance of written notice of the findings of the investigations and reasons.
50. In the case of an academic grievance by a student at Monash Malaysia, the investigating officer should consult with the relevant Deputy Head of School (Education) if knowledge of local circumstances may be important for determining the outcome or implementing the decision.
51. Where the outcome of an administrative grievance is likely to have an impact on the enrolment status or academic progression of a graduate research student, the investigating officer must liaise with the MGRO Grievance Officer before communicating the decision to the student.

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52. The student must accept or decline the recommendations via email within 10 working days of the deemed date of delivery of the decision. If accepted by the student the recommendations will be implemented immediately.
53. This is the grievance outcome.

### **Responsibility**

Associate Deans (Education) and Deputy Deans (Education)  
Vice Provost (Faculty and Graduate Affairs)  
Associate Deans (Graduate Research)  
Faculty managers  
Directors/managers of divisions/sections  
Senior managers of administrative/service areas, or equivalent (Monash Malaysia)  
Student

## Requesting a review by the University Student Ombudsman

54. A student who is not satisfied with the outcome of a grievance may request a review by the [University Student Ombudsman](#) within 20 working days of the written decision.
55. A student who has accepted an offer for a solution may not request a review by the University Student Ombudsman.
56. According to the University Student Ombudsman procedures, the University Student Ombudsman will conduct an independent review and provide the student and the faculty, division or area with the decision and reasons for the decision in writing.
57. Where the University Student Ombudsman makes a recommendation/s, the Deputy Vice-Chancellor (Education) will consider the recommendation/s and take action where appropriate within 20 working days from receipt of the recommendation/s.
58. In the case of academic grievances, the Deputy Vice-Chancellor (Education) will pass on to the faculty, or, in cases relating to graduate research students, to the Graduate Research Committee, the recommendations of the University Student Ombudsman to consider and take action where appropriate within 20 working days from receipt of the recommendations.
59. The student will be informed via email of the decision of the University on the University Student Ombudsman recommendations. Any decision in favour of the student will be implemented immediately.

### **Responsibility**

Student  
University Student Ombudsman  
Deputy Vice-Chancellor (Education)

## Appointment of a University Student Ombudsman

60. The University Student Ombudsman is appointed by the University Council and is a person with good knowledge of the university sector and is independent of the Monash University administrative structure.
61. Where the University Student Ombudsman is considered to have a conflict of interest or is absent from the University the Vice-Chancellor and President may appoint a person (in addition to and not in place of the University Student Ombudsman) to deal with and make recommendations in relation to a particular complaint or matter in substitution of the University Student Ombudsman. Such person, for the purposes of that particular complaint or matter, has all the responsibilities and powers of the University Student Ombudsman.



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62. The office of the University Student Ombudsman is physically located away from the University's central administrative offices.

### Responsibility

University Council  
Vice-Chancellor and President

## Managing unreasonable complainant conduct

63. Unreasonable complainant conduct is behaviour which because of its nature and frequency raises substantial health, safety, resource or equity issues for those involved. Unreasonable complainant conduct can be divided into five broad categories: unreasonable persistence; unreasonable demands; unreasonable lack of cooperation; unreasonable arguments; and unreasonable behaviours including extreme anger, aggression and threats.
64. Staff who encounter unreasonable complainant conduct should contact the Safer Community Unit as soon as the behaviour is identified. The [Safer Community Unit](#) provides advice and support and can put in place management strategies that are appropriate to the circumstances. These strategies are aimed at ensuring the safety and wellbeing of all involved, that all persons are treated with fairness and respect, efficient use of resources and that the unreasonable behaviour conduct is not exacerbated. Where this cannot be achieved the grievance investigation or review may be discontinued.
65. At Monash Malaysia, a nominated staff member acts as the first point of contact for staff who encounter unreasonable complainant conduct. The nominated staff member can provide advice and support and make referrals to appropriate services.

### Responsibility

University Staff  
Safer Community Unit  
Nominated staff member (Monash Malaysia)

## Recordkeeping, monitoring and reporting

66. Grievance officers within faculties, divisions and sections, or, in Monash Malaysia, administrative/service areas, must ensure that files are maintained of all correspondence and communication, and other relevant documents arising from grievances in accordance with University recordkeeping practices. Files must be accessible upon request by the Deputy Vice-Chancellor (Education) or delegate, and the University Student Ombudsman.
67. All records related to grievances, which do not involve legal action, can be permanently destroyed after seven years. Grievance records related to legal action taken by or against the University must be retained permanently.
68. The grievance officer must record and monitor the number and nature of grievances received from students in the grievance register. The grievance officer must fill out all fields contained in the grievance register.
69. For grievances lodged by students at Monash Malaysia, the grievance officer will notify the Pro Vice-Chancellor and President (Malaysia) that a grievance has been received and the general category of the grievance. At the conclusion of the grievance, the grievance officer will notify the Pro Vice-Chancellor and President (Malaysia) of whether the grievance was resolved or not. The purpose of the notifications is to enable the Pro Vice-Chancellor and President (Malaysia) to have oversight of issues concerning Monash Malaysia. All notifications must be de-identified in order to maintain the privacy of students and staff.
70. If a grievance officer finds indications of any systemic issues, the grievance officer must notify the Dean/director/manager of the faculty/division/section or administrative/service area who is responsible for taking appropriate action. If the issue relates to Monash Malaysia, or students at that campus, the

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Pro Vice-Chancellor and President (Malaysia) must also be notified. Details of individual grievances will be de-identified as far as possible in order to maintain the privacy of individuals when reporting on systemic issues.

71. Grievance officers must collate and analyse information about the type, causes and numbers of student grievances on an annual basis. At the start of each year, the Office of the Deputy Vice-Chancellor (Education) will request that each faculty/division/section submit a grievance report outlining the extent to which grievances are received and resolved, the methods of resolution employed and the extent of compliance with these procedures. The Deputy Vice-Chancellor (Education) will collate reports received from grievance officers and present an annual report to the third meeting of Academic Board about the extent and patterns of student grievances and any generic issues which he or she wishes to draw to the attention of the Academic Board.
72. The University Student Ombudsman makes an annual report to the second meeting of University Council about the number of grievances received by the University Student Ombudsman and an analysis of the grievances received by the University Student Ombudsman.
73. The University Council may refer the University Student Ombudsman's report to its Audit and Risk Committee for noting or advice.

### Responsibility

Grievance officers  
Deans  
Directors/managers of divisions/sections  
Senior managers of administrative/service areas, or equivalent (Monash Malaysia)  
Deputy Vice-Chancellor (Education)  
Pro Vice-Chancellor and President (Malaysia)  
Academic Board  
University Student Ombudsman  
University Council

<b>Responsibility for implementation</b>	
<b>Status</b>	
<b>Approval Body</b>	<p><b>Name:</b> Education Committee</p> <p><b>Meeting:</b> 3/2020</p> <p><b>Date:</b> 21-April-2020</p> <p><b>Agenda item:</b> 10.2</p>
<b>Definitions</b>	<p><b>Frivolous:</b> A finding that a grievance is not seriously made, or relies on trivialities that do not warrant a review of the matter concerned.</p> <p><b>Lacking in substance:</b> A finding that a grievance lacks any merit. That is, on the merits there is no reasonable prospects the grievance will succeed.</p> <p><b>Vexatious:</b> A finding that a grievance is made for another purpose (i.e. the grievance is not made as a genuine attempt to seek review of the matter concerned) or to cause unjustified trouble.</p> <p><b>Working day:</b> Day other than a Saturday or Sunday, a public holiday under the Public Holidays Act 1993, or university holiday. In Malaysia, working day means a day other than a Saturday, Sunday or a public holiday in the relevant state in Malaysia.</p>
<b>Legislation Mandating</b>	<a href="#">National Code of Practice for Providers of Education and Training to</a>

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<b>Compliance</b>	<a href="#">Overseas Students 2018 (Cth)</a>
<b>Related Policies</b>	
<b>Related Documents</b>	<a href="#">Public Holidays Act 1993</a>