Complaint Management Policy

Section 1 - Purpose and context

(1) This Policy establishes how the University will deal with complaints made by members of its community, including students, staff and the public.

(2) The University recognises that effective complaint processes provide opportunity for continuous service improvement across all its functions and dealings. The University aims to make people feel comfortable submitting a complaint and confident that their issues will be dealt with respectfully, fairly and without any adverse repercussions.

(3) The University strives to:

a. manage complaints in a fair, transparent and timely manner;
b. have in place clear and effective processes for the resolution of complaints; and
c. take reasonable steps to ensure that persons are not negatively treated because they make a complaint.

(4) Complaints within the scope of this Policy will be assessed according to the Complaint Management Procedure, the "Procedure".

Section 2 - Definition of Complaint

(5) A complaint is an expression of dissatisfaction about the University. It may be about the University's staff, services, activities, processes or actions and is accompanied by a request for a specific resolution or response. Where no resolution or response is sought, the complaint will be treated as feedback.

(6) There are two opportunities for resolution of a complaint:

a. the informal complaint process: where possible and appropriate, the University encourages people to resolve informal complaints directly with those involved or connected with the complaint; and
b. the formal complaint process: for complaints which are more serious or complex or are unable to be resolved informally.

Section 3 - Scope

(7) This Policy applies to complaints that:

a. are of the type described in this section; and
b. do not otherwise fit within the scope of another complaint or review process. Examples of other processes are outlined in section 4.

(8) Complaints must be lodged within 12 months from the date the event giving rise to the complaint occurred. The University may choose to consider complaints outside this timeframe in its sole discretion.

Staff complaints

(9) This Policy applies to complaints made by:

a. any member of staff, including those employed under an enterprise agreement or any other employment arrangement;
b. independent contractors and former staff, but only where the University considers it appropriate in the circumstances; and
c. staff representative bodies, for example the National Tertiary Education Union.

(10) Staff may make complaints about any activity, service, process, or action of the University that is not otherwise covered or more appropriately managed (in the opinion of the University) under the Resolving Workplace Concerns and Grievances Procedure or any other complaint or review process.

Student complaints

(11) This Policy applies to complaints made by:

a. students; and
b. student representative bodies, for example the University of Newcastle Students Association (UNSA).

(12) Students may make complaints in relation to:

a. any activity, service, process or action, as well as academic or administrative decisions, of the University; and
b. the conduct of a member of staff or people external to the University in connection with their role at the University and with whom students interact as part of a program of study.

Complaints made by members of the public

(13) This Policy applies to complaints received from individuals or organisations external to the University, including former and prospective students, who may make complaints in relation to:

a. any activity, service, process or action of the University; and
b. the conduct of a University staff member in connection with their role at the University or people acting on behalf of the University.

Complaints regarding controlled entities

(14) Complaints made about the activities, services, processes or actions of a controlled entity or the conduct of a controlled entity's staff member will only be assessed under this Policy at the discretion of the University. When exercising its discretion, the University will consider factors such as whether the person making a complaint has other review or complaint processes available to them, including any processes of the relevant controlled entity.

Complaints regarding external entities

(15) Complaints made about the activities, services, processes or actions of an Affiliate (excluding controlled entities), an external organisation or entity that is operating on behalf of the University, or that relates to a person’s University experience (for example a complaint about a student placement provider) will, at the discretion of the University, either be assessed under this Policy or referred to the external agency or organisation.

Section 4 - Alternate complaints management process

(16) Examples of complaints for which there is a specific process (and as such do not fall within scope of this Policy) are as follows:

a. complaints made by staff about the conduct of other staff, the conduct of any person they have dealt with in the course of their employment, or matters relating to their employment (including work health and safety issues) are managed under the Resolving Workplace Concerns and Grievances Procedure;
b. complaints concerning student academic and non-academic misconduct and some types of research misconduct are managed under the Student Conduct Rule;
c. complaints concerning research misconduct are managed under the Responsible Conduct of Research Policy;
d. reports about sexually based assault and harassment are managed under the Sexual Assault or Sexual Harassment Response Policy;
e. complaints made by staff about fraud, corruption, maladministration, serious waste of funds and certain other criminal conduct are managed under the Fraud and Corruption Framework and the Public Interest Disclosures Policy; and
f. complaints about marks and grades are managed under the Course Assessment and Grading Manual.

(17) If a complaint involves a staff member employed under an enterprise agreement, the provisions of the enterprise agreement may apply. This includes:

a. complaints made about staff misconduct and serious misconduct;
b. disputes regarding the interpretation, application or operation of any provisions of an enterprise agreement or the National Employment Standards;
c. requests to review decisions made in relation to performance, staff workload, classification structure and review, probation, redeployment, intellectual property rights and leave;
d. concerns regarding work health and safety; and
e. complaints regarding discrimination, harassment, bullying or victimisation.

(18) If the University receives a complaint under this Policy that is more appropriately managed under an alternate process, it will be referred to the relevant Division or College responsible for that process. In some cases, it may be appropriate for a complaint or parts of a complaint to be managed under several processes at the same time, in which case outcomes may vary.

Section 5 - Responsibilities

(19) All persons involved in a complaint, including the person making a complaint, the person who is the subject of a complaint (if any) and University staff handling the complaint, are expected to treat others with respect and courtesy at all times. In doing so they must act in accordance with any standards of conduct that apply to them, for example those contained in the Student Code of Conduct, Staff Code of Conduct and Student Conduct Rule. If they fail to do this it may result in disciplinary action (if applicable) and the University ceasing to consider the complaint.

(20) A person making a complaint must comply with the applicable complaints process.

Section 6 - Record keeping

(21) The University will keep appropriate and confidential records for all complaints that go through a formal complaint process under the Procedure.

(22) A person making a complaint will not be provided with any internal documentation developed by the University during the complaint process, including any investigation or appeal reports. However, an application may be made requesting access to such internal documentation under the Privacy Policy.

(23) Any records are to be kept in accordance with the Records Governance Policy.

Section 7 - Confidentiality

(24) The privacy and confidentiality of persons involved in a formal complaint process will be respected to the extent it is practical and appropriate to do so, subject to legal and regulatory requirements. The University will only share complaint information with people who are involved in the process as well as persons to whom it is necessary to disclose the information to enable appropriate assessment and resolution of the matter.

(25) Any personal information disclosed during a complaint process will be managed in accordance with the University's Privacy Policy.

(26) A person making a complaint and any person subject to the complaint must keep information about the complaint and associated processes confidential, including any correspondence and outcomes, but may discuss their experience which is the subject of the complaint. These confidentiality obligations remian in effect for the duration of the complaint process. Once the process has concluded and the appeal period has expired, the person making the complaint and any person subject to the complaint may discuss their experience of the matter with others.

(27) A breach of clause 26 may be assessed as misconduct under the applicable University rule, policy or procedure.

(28) A person may disclose information about the complaint and associated processes where the disclosure is:

a. to a student advocate;
b. to a health professional;
c. to the person’s immediate family or close friend for the purpose of seeking psychosocial support, subject to said person being provided with the University's information sheet for support persons;
d. to the person’s designated support person, subject to said person being provided with the University's information sheet for support persons;
e. to an external body for the purpose of seeking a review of a decision, seeking advice, or making a complaint;
f. to obtain legal advice or representation;
g. for the purpose of law enforcement, seeking protection under the law, or required by law or any legally binding order or court, government, semi-government authority, administrative or judicial body; or
h. required by an accrediting bodying or professional association.

Status and Details

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Responsible Executive	Alex Zelinsky Vice-Chancellor alex.zelinsky@newcastle.edu.au
Enquiries Contact	Legal and Governance Services

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.

"Controlled entity" - Has the same meaning as in section 16A of the University of Newcastle Act 1989.

"Non-academic misconduct" - Means conduct by a student that is defined as non-academic misconduct in the Student Conduct Rule.

"Personal information" - Has the same meaning as in the Privacy and Personal Information Protection Act 1998 (NSW).

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

"Research misconduct" - A serious breach of the Australian Coe for the Responsible Conduct of Research that is intentional, reckless or negligent.

"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.

"Intellectual property rights" - All present and future rights to intellectual property including any inventions and improvements, trademarks (whether registered or common law trade marks), designs, copyright, any corresponding property rights under the Laws of any jurisdiction and any rights in respect of an invention, discovery, trade secret, secret process, know-how, concept, idea, information, process, data, or formula.

"Affiliate" - A person or organisation legally obligated to, or informally associated with the University. Categories of affiliates are outlined on the University website.

"College" - An organisational unit established within the University by the Council.