



Student Complaints Resolution procedure

Section 1 - Preamble

(1) This Procedure is effective from 26 July 2021.

Section 2 - Purpose

(2) This Procedure documents the University's student complaints resolution process.

Section 3 - Scope

(3) This Procedure applies to concerns and complaints by current, former or prospective students as set out in the [Student Complaints Resolution policy](#).

Section 4 - Policy

(4) This Procedure is pursuant to the [Student Complaints Resolution policy](#).

Section 5 - Procedures

(5) This Procedure provides two avenues for students to resolve their concerns or complaints within the University:

- a. informal resolution where students discuss their concern directly with the person/s or area whose actions have led to the concern (clauses 9-11)
- b. formal resolution of a complaint by the University (clauses 12-14).

Students may also refer complaints or other matters to external organisations in accordance either with the particular organisation's procedures or with clauses 38-39.

(6) At any stage, and in any meeting relevant to the resolution of a complaint or concern, the student has the right to a support person other than a practising lawyer. The support person may include a [Designated Complaints Contact](#), [Harassment and Discrimination Contact Officers](#), student representative or [DUSA Student Advocacy and Support Service](#), family member or friend. The support person cannot advocate for either party.

(7) Allegations of discrimination, harassment (excluding sexual harm), bullying or victimisation should in the first instance be discussed with a [Harassment and Discrimination Contact Officers](#) or with the relevant Head of School or

area manager, who will:

- a. help clarify the allegations being raised
- b. ensure that the student is offered immediate support where necessary and is provided with relevant resources and information, including their rights and responsibilities
- c. discuss the options and strategies available to address the matter, including lodging a formal complaint
- d. keep confidential notes in a secure location
- e. refer any serious matters to the Dean of Students or nominee, who will determine whether the matter should be handled under this Procedure, in accordance with clause 12b.

(8) Allegations of sexual harm will be managed in accordance with the [Sexual Harm Response procedure](#). Clauses 20 to 25 of the [Sexual Harm Response procedure](#) outline the lodging of a complaint or report relating to sexual harm.

Informal resolution of student concerns

(9) Where possible, a student who has a concern about a matter covered by this Procedure should in the first instance raise it directly with the person/s or area whose action or decision has led to the concern and attempt to reach a satisfactory resolution.

(10) If a concern is informally resolved to the satisfaction of the student and agreed actions have been implemented, no further action is required.

(11) If a concern is not resolved to the satisfaction of the student, the student may lodge a complaint as set out in clauses 15-18.

Formal resolution of student complaints by the University

(12) The following matters are treated by the University as student complaints:

- a. matters about which students are dissatisfied that they raise with the Office of the Dean of Students, whether or not they have first attempted to resolve their concern with the person or area whose action or decision has led to the concern
- b. all complex or serious matters, as determined by the Dean of Students or nominee, including those that:
 - i. involve an offence under law;
 - ii. incur on the University an obligation to act (e.g. discrimination, sexual harm, vilification, bullying, victimisation); or
 - iii. are otherwise considered to present a significant risk to the University or its members.

(13) All steps taken and decisions made as part of the formal resolution of a student complaint are, as soon as practicable, recorded in the Complaints Handling System and communicated in writing to all affected parties.

(14) A student may withdraw a complaint or review at any time by notifying the Office of the Dean of Students in writing.

Lodging complaints

(15) To lodge a complaint, a student should complete and submit a [Student Complaint form](#) to the Office of the Dean of Students. The form requires:

- a. the inclusion of details of the complaint, including the background, reasons for making the complaint, details of informal attempts to resolve the matter (or the reasons for bypassing that stage, where applicable), facts relied upon, the outcome sought, and names of the respondent/s and any witnesses

- b. the attachment of all supporting documentation
- c. acknowledgement that formal investigation of the complaint requires that the identity of the complainant and details of the complaint be shared with any respondent(s).

(16) Complaints should be lodged:

- a. as soon as practicable after the student first becomes aware of the matter that is the subject of the complaint
- b. no later than six months after the last incident occurred, unless there is justification for late lodgement in accordance with clause 17.

(17) A complaint lodged after six months will normally only be investigated where the Dean of Students or nominee is satisfied that:

- a. it relates to a serious matter, or
- b. the complainant can demonstrate that circumstances outside their control prevented them from lodging the complaint within the deadline, and
- c. it is still practicable for the University to investigate the complaint.

(18) Anonymous complaints will be investigated at the discretion of the Manager, Student Complaints, Appeals and Conduct.

Preliminary assessment and initiation of resolution process

(19) Within five working days of a complaint form being lodged, the Office of the Dean of Students will:

- a. acknowledge receipt of the complaint in writing
- b. undertake a preliminary assessment to determine whether it should be handled under this Procedure or another process (e.g. review of grades, or special consideration)
- c. where the matter should be pursued through another process, direct the student, in writing, to the area responsible and provide that area with a written copy of the complaint and the advice provided
- d. record the matter and any action taken in the Complaints Handling System.

(20) The Office of the Dean of Students may request further information or documentation from the complainant.

(21) Within 10 working days of a complaint being lodged and any additional information or documentation being supplied, the Office of the Dean of Students will:

- a. where appropriate, refer the matter to an informal resolution process under clauses 9-11
- b. where appropriate refer complaints relating to the conduct of a staff member or associate to the Executive Director, Human Resources or to the Deputy Vice-Chancellor Research and Innovation
- c. refer complaints about sexual harm to Safer Community
- d. determine the most suitable method for resolving the complaint (e.g. by conciliation or investigation) in consultation with specialist areas and/or the parties as appropriate
- e. initiate the resolution process
- f. record the action taken in the Complaints Handling System
- g. notify the student and any other party affected by the complaint in writing about the process for resolution.

(22) The Office of the Dean of Students will take appropriate action to facilitate the resolution of the student complaint, where possible within 20 working days.

Investigations

(23) Where an investigation is required, it may be conducted:

- a. locally, by an investigator from the area to which the complaint relates, chosen in consultation with the Faculty Executive Dean or manager of the area as appropriate;
- b. by an independent investigator from an area other than that to which the complaint relates; or
- c. by an external consultant.

(24) Investigators should have no prior involvement in the matter and have the capacity and seniority to consider the issues and provide appropriate recommendations.

(25) Investigators must:

- a. act fairly and impartially
- b. exercise independent judgement
- c. conduct themselves in a professional and courteous manner
- d. treat the process as confidential and only disclose information to others on a 'need-to-know' basis
- e. disclose actual, perceived or potential conflicts of interest as soon as they become apparent.

(26) The investigator will investigate a complaint in a timely manner and seek whatever information, advice or assistance is necessary to reach a recommendation.

(27) The investigator may investigate the facts of the matter, to determine whether the complaint is more likely than not to be substantiated, and/or whether the original action or decision was justified on the basis of:

- a. procedural fairness — including whether the person responsible for the action or decision:
 - i. was biased in favour of a particular outcome
 - ii. provided each person with an opportunity to be heard
 - iii. based their action or decision on evidence
- b. compliance with relevant procedures or legislation
- c. whether the person taking the action or decision was authorised to do so.

(28) Each party will be provided with an opportunity to present their case and, where appropriate, to comment on any information presented during the investigation.

(29) Students and respondents are expected to cooperate with the investigation, attend any meetings and behave in a reasonable and courteous manner.

(30) After completing an investigation, the investigator will prepare a written report for the Dean of Students or nominee regarding the outcome/s and further action/s (as appropriate).

Communication of outcomes

(31) The Office of the Dean of Students will provide all parties involved in the resolution of the complaint with a written statement detailing the outcome (where appropriate), usually within five working days of the outcome being finalised.

(32) Students are referred to appropriate internal and/or external avenues for review and provided with information about procedures and timelines for lodging a review.

Reviews

- (33) Students may request an internal review of the outcome of their complaint within 20 working days of formal written notification of the outcome.
- (34) Requests for internal reviews should be submitted to the Office of the Dean of Students on a Deakin University Student [Request for Review of Complaint Form](#).
- (35) The Dean of Students or nominee determines whether a student has grounds for the internal review.
- (36) Internal reviews of an outcome resulting from a resolution process that did not involve an independent or external investigation (clause 23b or 23c):
- a. may be made on one or more of the following grounds:
 - i. breach of procedural fairness
 - ii. breach of compliance
 - iii. breach in relation to authority to act
 - iv. availability of substantial new evidence relating to the original complaint that was not reasonably available to the investigator
 - b. are dealt with via an independent investigation in accordance with the procedures set out in clauses 23-30.
- (37) Internal reviews of an outcome resulting from an independent or external consultant's investigation:
- a. may only be made if there is substantial new evidence available relating to the original complaint that was not reasonably available to the investigator
 - b. are dealt with via a new independent investigation in accordance with the processes set out in clauses 23-30.
- (38) Students can seek an external review of final University decisions by the [Victorian Ombudsman](#). Students may also access other external organisations such as the [Victorian Equal Opportunity and Human Rights Commission](#) and the [Australian Human Rights Commission](#).
- (39) Where the University is aware that a complaint has been lodged by a student with an external organisation, the external complaint is recorded in the Complaints Handling System.

Section 6 - Definitions

- (40) For the purpose of this Procedure:
- a. bullying: any repeated unreasonable behaviour that causes a risk to the health or safety of another person.
 - b. complainant: a person who lodges a complaint.
 - c. complaint: an expression of dissatisfaction requiring formal resolution.
 - d. Complaints Handling System: system for recording and monitoring the progress of student complaints.
 - e. concern: an expression of dissatisfaction that can be resolved directly with the person or area involved without the need for formal action.
 - f. Designated Complaints Contacts: members of staff in Faculties and Portfolios who are designated to provide advice as stipulated in the [Student Complaints Resolution policy](#).
 - g. Harassment and Discrimination Contact Officer: as defined in the [Complaints: Discrimination, Harassment, Victimisation and Vilification \(Staff\) procedure](#).
 - h. respondent: a person who is the subject of a complaint.

- i. sexual harassment: as defined in the [Sexual Harm Prevention and Response Policy](#).
- j. sexual harm: as defined in the [Sexual Harm Prevention and Response Policy](#).

Status and Details

Status	Historic
Effective Date	26th July 2021
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Expiry Date	19th February 2024
Responsible Executive	Liz Johnson Senior Deputy Vice-Chancellor Academic +61 3 92468303
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