

# Procedure: Student grievance and complaint resolution

## Purpose

To provide the process for the resolution of student grievances and complaints about their experience at the University.

## Procedure

1. Any student with an immediate safety issue should contact ANU Security on 6125 2249.
2. The following areas are able to provide advice on complaints and grievances to students at any stage of the process:
  - a. [Dean of Students](#);
  - b. [ANU Students' Association \(ANUSA\)](#);
  - c. other staff as appropriate to the circumstances.
3. The Dean of Students can:
  - a. advise students on complaints (in accordance with the Resolution Process for Complaints: Formal Resolution procedure below); and
  - b. assist in the resolution of grievances (in accordance with the Resolution Process for Grievances: Informal Resolution procedure below).
4. A student may refer a matter to an external body (such as the Australian Human Rights Commission or the Commonwealth Ombudsman) at any time. The University may suspend or cease an internal investigation of a complaint if an external investigation is conducted.
5. Any complaints directed specifically against the Vice-Chancellor or a Deputy Vice-Chancellor are referred to a nominee of the Chancellor, who determines who is to conduct an investigation. Any investigation follows the Resolution Process for Complaints: Formal Resolution procedure outlined below.
6. In all instances, this procedure is commenced within 10 working days of an issue being raised and the student will be provided with written acknowledgement of receipt of the complaint within that time.

7. A student may withdraw a grievance or complaint at any time during the resolution process and the matter will be deemed to be resolved. Notwithstanding this, the University may continue to investigate a complaint if required to do so to satisfy other legislative requirements or to protect the University community.
8. If at any stage of a process a complaint is considered not to be genuine, the person considering the complaint may choose not to proceed with the complaint resolution process. The reasons for arriving at this decision are documented and provided to the student.
9. A person responsible for investigating a complaint ensures that a confidential file is created on the appropriate University Recordkeeping system(s) including maintaining any relevant documents in the University's Electronic Record Management System.

### **Resolution Process for Grievances: Informal Resolution**

10. A student with a concern under this procedure or associated policy is strongly encouraged to:
  - a. seek advice from the Dean of Students as to whether the concern constitutes a matter that could be pursued as a grievance or a complaint and how it could be resolved;
  - b. initially seek to resolve that concern as a grievance (that is, through informal resolution) with or without the assistance of the Dean of Students as mediator between the student and the relevant area of the University.

### **Resolution Process for Complaints: Formal Resolution**

11. The formal resolution process commences with clause 10a. above (that is, the student seeking advice from the Dean of Students).
12. A student may lodge a complaint where an attempt at informal resolution has been unsuccessful or is not appropriate.
13. The complaint is lodged in writing, with the responsible officer, detailing how the University's legislation, policy, procedure or guidelines have been breached is lodged.
14. The responsible officer is normally the person who has administrative responsibility in relation to courses, programs, areas or staff members. If the appropriate responsible officer is not clearly identifiable, students seek advice from the Dean of Students. Examples of the responsible officer for a given complaint, include:
  - a. a complaint about a course is normally referred to the program convener;

- b. a complaint about a coursework program is normally referred to the Associate Dean (Education) or the Associate Dean Student Experience of the College managing the program;
- c. a complaint about a Higher Degree Research program is normally referred to the Associate Dean (HDR) of the College responsible for the program;
- d. a complaint against the Head of a residential hall or college is normally referred to the Director, Residential Experience;
- e. a complaint against another student of the University in the context of a course is normally initially referred to the Course Convener or the Associate Dean Education as appropriate ;
- f. a complaint against a particular staff member is normally referred to that person's supervisor;
- g. a complaint against a third party who the University has engaged in the delivery of an ANU program, or related service is referred to the Registrar and, where relevant, the College through which the program is being taught;
- h. a complaint against an ANU international student education agent is submitted to both the Director, Future Students, International Strategy & Future Students Division and the Registrar;

15. The responsible officer:

- a. considers whether the complaint is a genuine complaint;
- b. considers whether the complaint can be resolved at the local level or whether it should be referred elsewhere for advice and/or resolution;
- c. in most situations, organises a discussion with the complainant (including face to face, telephone, or other methods) to hear the full details of the complaint;
- d. considers whether the complaint is appropriately dealt with under this procedure, or whether there are other policies or procedures that are more appropriate, and if required refers the complainant to those procedures;
- e. informs the member(s) of the University or third party (excluding education agents) against whom the complaint has been made ('respondent') of any allegations made against them to allow them to respond to the complaint;
- f. informs the Future Students, International Strategy & Future Students Division if the complaint is about an education agent. Future Students, International Strategy & Future Students Division is responsible for informing the agent of allegations made against them and for liaising with the education agent to investigate the matter, at all times complying with the process as per Clauses 16g to 16p, to allow the Education

Agent to respond, and to resolve the matter if possible, also advising the appropriate members of the University. The Registrar is informed of the final outcome of the complaint;

- g. provides the complainant and respondent with a copy of the policy and procedures relating to the resolution of student complaints;
  - h. explains the process and the range of options available to each party, and ensures that the parties are aware of and, where appropriate, have accessed relevant sources of advice and support;
  - i. allows each party to be accompanied and assisted by a support person in any relevant meetings if requested;
  - j. considers the complainant's concerns and their desired outcomes and any responses given by the respondent;
  - k. seeks to obtain an agreed resolution;
  - l. takes into account the impact of any proposed resolution of the complaint on any third parties;
  - m. makes notes and diary entries as appropriate, which may include some form of confidential file note;
  - n. keeps the complainant and the respondent informed of actions taken in considering the complaint;
  - o. documents the investigative actions taken to resolve the complaint and any findings made, agreements reached, or outcomes actioned and provides a copy to the complainant and respondent along with any further avenues available to the respondent and complainant and any relevant timeframes for escalating the complaint; and
  - p. monitors the situation during and after the resolution process.
16. Where a complainant or respondent considers that the complaint has not been satisfactorily resolved, they may instigate the escalation process below.

### **Unsatisfactory Resolution of Complaint: Escalation Process**

17. If, in the view of either the complainant or the respondent, the formal resolution process has not resulted in satisfactory resolution of the complaint, they may escalate the matter to the relevant Dean of an ANU College, the Director of a Division, or an appropriate nominee of one of these individuals (the 'mediator').
18. If a mediator is not impartial, the matter should be referred to a Deputy Vice-Chancellor who will nominate an appropriate alternative delegate.

19. To instigate the escalation process, the complainant or respondent must submit details of the original complaint in writing to the mediator and include an account of attempts made thus far to resolve the complaint.
20. The mediator aims to resolve the matter expeditiously, confidentially, and normally within ten working days of receipt.
21. A mediator may take investigative actions including but not limited to:
  - a. referral for investigation by a senior staff member from another area of the University;
  - b. requesting further documentation;
  - c. holding discussions with involved parties, with those parties permitted to be accompanied and assisted by a support person at any relevant meetings if requested.
22. On the basis of this written submission (supplemented by other relevant documentation, and by discussion with the complainant, respondent, the responsible officer who dealt with the original complaint and others, as appropriate), the mediator may:
  - a. consider the complaint outside the ambit of this procedure, and choose to take no action in respect of the complaint, or refer it for action under other University appeal, review or complaint provisions;
  - b. consider the complaint and/or its escalation to be frivolous, vexatious or without substance, and choose either to take no action in respect of the complaint, or to refer the original complaint and/or its escalation for consideration as a potential breach of the [Discipline Rule](#) by the complainant;
  - c. consider the complaint already satisfactorily resolved, and direct those involved to proceed accordingly; or
  - d. consider the complaint unresolved previously, make an alternative determination, and direct those involved to proceed accordingly.
23. The mediator reports in writing any investigative actions and findings made to both the complainant and the respondent, and initiates appropriate outcomes or actions to resolve the complaint. This may include referring the matter as a potential breach of the University's [Discipline Rule](#).
24. The determination of the mediator is final and the parties comply with the recommendations made.

## Outcomes

25. Outcomes and actions required will vary depending upon the nature and circumstances of each complaint. Potential outcomes include a:

- a. complainant gaining a better understanding of the situation and no longer considering that they have been aggrieved;
- b. verbal or written apology;
- c. verbal or written caution;
- d. agreement to participate in some form of mediation or counselling; or
- e. determination and recommendations made by the mediator which those involved must adopt.

26. Disciplinary action is not provided for as part of this process. However, at any stage in this process, if a responsible officer or mediator forms the belief that a person or third party's behaviour constitutes misconduct, they may terminate this process and refer the complaint for consideration under the relevant University rule, policy or procedure. Examples include, where the mediator deems a behaviour to constitute misconduct:

- a. in relation to a student's behaviour the complaint is referred for consideration under the University's [Discipline Rule](#);
- b. in relation to a staff member's behaviour, the complaint is referred for consideration under the [Managing misconduct, serious misconduct and suspension procedure](#) and the [Unsatisfactory performance and misconduct policy](#);
- c. in relation to a staff member of an international student education agent's behaviour, the complaint is referred to Future Students, International Strategy & Future Students Division and the [International Student Education Agent Management policy](#) applies.

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