



COMPLAINTS MANAGEMENT POLICY

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First Approved by:	University Council		
Custodian title & e-mail address:	Senior Manager Complaints, Complaints Management Centre		
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Responsible Division & Unit:	Integrity Division		
Supporting documents, procedures & forms:	Bullying Prevention Policy Campus Access and Order Rules Child Protection Policy Code of Practice – Work Integrated Learning (Professional Experience) Complaints Management Procedure Conflict of Interest Policy Disability Policy- Staff Disability Policy- Students Equity Diversity and Inclusion Policy Fraud and Corruption Prevention Policy Higher Degree Research (HDR) Student Academic Complaints Policy Inclusive Language Guidelines Privacy Policy Records Management Policy Respect for Diversity Policy Research Integrity and Conduct Policy: Breaches, Concerns and Complaints Research Misconduct and Complaints Management Procedure Review and Appeal of Academic Decisions Policy Procedures for the Review and Appeal of a Mark, Grade or Other Academic Decision (Coursework) Sexual Harassment Prevention Policy		



	<p>Social Media Policy</p> <p>Student Conduct Rules</p> <p>Student Conduct in Residence Policy</p> <p>Teaching and Assessment: Code of Practice - Teaching</p> <p>University Code of Conduct</p> <p>University Of Wollongong (Academic Staff) Enterprise Agreement 2019</p> <p>University Of Wollongong Professional Services Employees) Enterprise Agreement 2019</p> <p>Work Health and Safety Policy</p>
Relevant Legislation & External Documents:	<p>UOW Wrongdoing Website</p> <p>NSW Ombudsman effective complaint handling guidelines</p> <p>Public Interest Disclosures Act 1994</p> <p>Government Information (Public Access) Act 2009</p> <p>Higher Education Support Act 2003</p> <p>Anti-Discrimination Act, 1977 (NSW)</p> <p>Australian Human Rights Commission Act, 1986 (C'th)</p> <p>Disability Discrimination Act, 1992 (C'th)</p> <p>Racial Discrimination Act, 1975 (C'th)</p> <p>Sex Discrimination Act, 1984 (C'th)</p> <p>Age Discrimination Act, 2004 (C'th)</p> <p>Tertiary Education Quality and Standards Agency Act 2011</p> <p>AS/NZS 10002:2014 Standard Guidelines for complaint management in organisations</p> <p>NSW Ombudsman Managing unreasonable complainant conduct model policy and procedure</p>
Audience:	Public

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1 Purpose of Policy

1. The purpose of the policy is to set out the University of Wollongong's (UOW) approach to managing and where possible, resolving general complaints raised by staff, students and community members.

2 Definitions

Word/Term	Definition (with examples if required)
Affiliate	Includes people holding University of Wollongong Honorary Awards as conferred by the University Council, including the awards of Emeritus Professor, Honorary Doctor and University Fellow; people appointed in accordance with the Appointment of Visiting and Honorary Academics Policy; and people engaged by the University as agency staff, contractors, volunteers and work experience students.
Alternative Dispute Resolution Strategy	Mediation, conciliation, joint counselling or any other form of facilitated dispute resolution process designed to allow the complainant and the respondent to reach a mutual understanding on the issues in dispute and on strategies to resolve the complaint.
Appeal	A review of a case or an aspect of a case by someone without prior involvement, usually holding a more senior position than the original Complaint Handler or decision maker.
Behaviour	The manner in which a person acts or conducts themselves.
Bullying	Where an individual or group of individuals repeatedly behaves unreasonably towards another individual or group of individuals and the behaviour creates a risk to health and safety.
Complaint	An expression of dissatisfaction made to the University about its services, products and/or complaint handling where a response or resolution is explicitly or implicitly or legally required.
Complainant	A student, staff or community member who has lodged a complaint.
Community member	A member of the public who is not employed or enrolled in a course of study at the University of Wollongong.
Complaint Handler	A Senior Officer delegated to manage a complaint for example; Director, Executive Dean, Associate Dean, Head of School, Director, Senior Manager.
Confidentiality	The obligation to refrain from disclosure of information related to a matter the subject of a complaint to any person other than those involved in the complaints process to whom disclosure is required by law.
Conflict of interest	Exists where there is a divergence between the individual interests of a staff member and their professional obligation to the University, such that an independent observer might reasonably question whether the professional actions



	or decisions of that staff member are influenced by their own interests or are for their own benefit.
Dispute	A disagreement or argument.
Discrimination (direct and indirect)	When someone is treated unlawfully because of an attribute pertaining to them such as; race, colour, descent or national or ethnic origin, sex, sexual orientation, age, gender identity, gender expression, intersex status, marital or relationship status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction, social origin, disability or physical or mental disability, which includes: physical, intellectual, psychiatric, sensory, neurological or learning disabilities; physical disfigurement; disorders, illness or diseases that affect thought processes, perceptions of reality, emotions or judgement, or results in disturbed behaviours; presence in body of organisms causing disease or illness (e.g. HIV virus) or any other attributes.
General complaint	A complaint that is non-academic in nature nor is about the following matters; HDR supervision, employment related matters, research misconduct or student misconduct.
Harassment	Unwelcome behaviour that makes a person feel belittled, intimidated, offended or apprehensive, and that a reasonable person, taking into account all the circumstances, would expect to cause offence, intimidation or apprehension.
Misconduct	Conduct falling under the scope of disciplinary procedures under the student misconduct policy, the relevant staff misconduct procedures or the staff member's Enterprise Agreement or individual employment agreement.
Public Interest Disclosure (PID)	A report of wrongdoing as defined in the Public Interest Disclosures Act 1994.
Procedural Fairness	The fairness and openness of the procedure for making a decision (as opposed to the fairness of the outcome of a decision).
Respondent	A person whose action or behaviour is complained about in a complaint.
Request for Service	A request for the provision of services and assistance.
Specialist Units	Units within the University which have defined responsibilities in relation to complaints: Complaints Management Centre, Safe and Respectful Communities, People and Culture Division.
Staff	All people employed by the University including conjoint appointments, whether on continuing, permanent, fixed term, casual or cadet or traineeship basis. Any references to staff in this policy should be understood to mean both staff and affiliates.
Student	A person registered for a course at the University of Wollongong.



University	The campuses, facilities, operations, resources, staff and services of the University of Wollongong.
Unlawful	An action in relation to matters prohibited by law.
Unreasonable Conduct	Unreasonable conduct is any behaviour by a person which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the people involved in the complaint process.
Vexatious	An action or the action of a person that is brought forward without sufficient grounds primarily to cause annoyance or harm to another person or persons.

3 Application & Scope

2. This policy applies to students, staff and community members who have a general complaint about the action or inaction of the University, its staff, students, services or facilities or the University's policies or processes.
3. This policy applies to general complaints that are:
 - a. Undertaken at any Australian campus,
 - b. Elsewhere, where a staff member or student is representing the University. This includes staff/student conduct during work for example clinical placements, practicums or other student professional experience, field trips, academic or sporting competitions, or in association with University residences or the use of UOW equipment or resources (e.g. communication technologies, vehicles, facilities etc).
4. This policy does not apply to UOW Global Enterprises or UOW Pulse. Investigations may only extend to these entities by the Complaints Management Centre under the direction and approval of the Vice-Chancellor,
5. This policy does not apply to a complaint where there already exists a separate University complaint, review or appeal process detailed in legislation, a current UOW policy document or other instrument (e.g. UOW Enterprise Agreements). These include:
 - a. Student academic matters,
 - b. Student misconduct,
 - c. Staff misconduct,
 - d. Research misconduct,
 - e. Staff performance,
 - f. A breach of privacy,
 - g. A complaint that is or may be a Public Interest Disclosure (PID),
6. Concerns relating to the application, interpretation or implementation of conditions of employment under the University's Enterprise Agreements.
7. Matters relating to workplace health and safety and workers compensation,
8. The conduct of third parties such as contractors or persons employed by Host Organisations in connection with student professional placements. Complaints about third parties should be managed



through relevant arrangements between the University and the third party (such as contractual provisions, the provisions of the agreement between the University and the Host Organisation or any other relevant agreement).

9. Feedback or a request for service.
10. The University may determine to conduct investigations under different processes simultaneously.
11. If upon investigation of a general complaint other issues are identified, the general complaint process may cease and be directed to another investigative or complaint process.
12. When a general complaint is received and the matter is under investigation by the Police, Independent Commission Against Corruption, Australian Prudential Regulation Authority or other external agencies such as the NSW Anti-Discrimination Board, the Australian Human Rights Commission or the NSW Ombudsman, the University may cease or not commence action under this policy until those investigations have concluded.
13. A formal general complaint that is submitted more than 12 months after the event will be assessed on a case-by-case basis as to whether the complaint should be considered after this timeframe.

4 Policy Principles

14. The University is committed to:
 - a. Resolving complaints within a reasonable timeframe and with minimum disruption or distress to the parties involved,
 - b. Seeking and receiving feedback and complaints about our services, systems, practices, policies, procedures and the handling of complaints,
 - c. Taking all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf,
 - d. Providing access to a complaint process that is easy to understand,
 - e. Ensuring the complaints management framework is easily understood and accessible,
 - f. Implementing best practice in our complaint management processes,
 - g. Ensuring staff who are responsible for managing complaints have access to training, resources support and advice in complaints management,
 - h. Responding to changes in legislative requirements and responsibilities in terms of complaint handling and updating our processes accordingly.

5 General Principles of Complaints Management

15. The University aims to address complaints at a low level (as close to the source as possible) unless it is not practical or appropriate to do so, for example if there is a perceived conflict of interest. In these circumstances, a complaint will be escalated to a designated senior officer or the Complaints Management Centre (CMC).
16. The management of complaints within the university will be used as an opportunity for continuous improvement.
17. There is no charge for lodging a complaint.
18. Complaints must be investigated in accordance with the principles of procedural fairness.



19. All parties involved in a complaint must be treated with respect and impartiality.
20. All parties involved will be expected to approach proceedings with a genuine desire to resolve the complaint in good faith.
21. Individuals must not victimise or harass other parties involved in the matter.
22. Confidentiality must be adhered by all participants and at all stages of the complaints process, disclosure will be limited to a need-to-know basis.
23. Complainants and respondents must be informed of the progress and the outcome of the complaint and be provided with reasons for the outcome reached. This information is to be provided in accordance with the University's privacy legislation obligations and provisions of the Staff Enterprise Agreement. This may mean a complainant or respondent is not provided with information about any action taken that is confidential.
24. The University encourages the use of Alternative Dispute Resolution strategies where it is appropriate and where the parties to the complaint support such an approach. These alternatives may include mediation, conciliation and other forms of facilitated negotiation, designed to seek a mutually acceptable resolution to the complaint.
25. When complaints cannot be resolved using an Alternative Dispute Resolution strategy the Senior Officer facilitating the progress is responsible for directing the complainant to the formal complaints process.
26. Alternative Dispute Resolution strategies are not an appropriate action in response to sexual assault, sexual harassment or general assault. In such instances you must refer to the specialist unit for advice.
27. The University reserves the right to not progress a complaint. Reasons may include:
 - a. there is insufficient information to allow a proper assessment and/or investigation to occur;
 - b. the complaint is found to be trivial or petty;
 - c. the complaint is vexatious or frivolous or seeks to re-agitate issues that have already been addressed or determined;
 - d. the issue or incident occurred outside a timeframe in which the University is reasonably able to investigate.
28. Where a complaint is not accepted, reasons will be provided to the complainant.
29. Any staff or student that makes a complaint that is false or vexatious will be considered to have engaged in misconduct and/or serious misconduct and as such be subject to disciplinary action, which may include dismissal.
30. The University reserves the right to pause or cease a complaint process where a complainant or respondent has engaged in unreasonable conduct during the complaint process.
31. Unreasonable conduct of staff may be referred to People and Culture Division or for students, the Safe and Respectful Communities team, for management.



6 Procedural Fairness

32. The University is committed to upholding a respectful and equitable process for addressing complaints, valuing the voices of both complainants and respondents. This entails affording both parties the opportunity to present their perspectives, offer supporting evidence, and address any adverse determinations that may arise.
33. It is important that all parties involved in the investigation or resolution of a complaint adhere to principles of fairness and impartiality and are free from bias. Complaints must be assessed and managed with integrity and objectivity, relying on relevant information to substantiate their decisions while providing clear justifications for their findings.
34. In adhering to the principles of procedural fairness parties can expect that:
 - a. the process for lodging a complaint is easy to access and easy to understand;
 - b. they will receive timely, reliable, clear information and advice;
 - c. they will be kept up to date of progress during the investigation; and
 - d. have the complaint dealt with confidentially and within an appropriate timeframe.

7 Conflict of Interest

35. Where there is an actual, perceived, or potential conflict of interest on the part of a complaint handler, the complaint must be referred to the next level of management to deal with the complaint. Any actual, potential or perceived conflict of interest must be declared and appropriately managed in accordance with the Conflict of Interest Policy.

8 Confidentiality & Privacy

36. UOW will take all reasonable steps to ensure that information relating to complaints at UOW are handled in a confidential manner in accordance with its privacy obligations, unless an exception applies under law.
37. UOW is committed to managing complaints in accordance with the University's Privacy Policy.
38. The collection and use of an individual's personal information will be limited to the extent that it is reasonably necessary, in order to deal with the complaint in line with UOW's relevant policies and processes.
39. In certain circumstances, the University may have a legal obligation to report information provided by a complainant, or in connection with a complaint, to the police, other law enforcement agencies or court of law, a government department or another public body (such as the Independent Commission Against Corruption). Information may also be provided if it is necessary to prevent a serious and imminent threat to the life, health or safety of any individual.
40. Non-identifying information will be used by UOW to monitor complaint trends in order to assist with continuous process improvement opportunities.



9 Appeal

41. A complainant whose complaint is not upheld and who is dissatisfied with the outcome has the opportunity to appeal against the decision.
42. Appeal options will be clearly communicated at the time of notification of the outcome of the complaint.
43. Appeals are to be lodged no later than 20 working days after notification of the outcome of the complaint. Appeals submitted outside this timeframe will be considered on a case by case basis assuming exceptional circumstances can be demonstrated.
44. Appeals will only be considered based on:
 - a. The decision is not reasonably supported by the available evidence;
 - b. New and relevant evidence is provided that was not available or known at the time of lodging the complaint;
 - c. Lack of procedural fairness.
45. The appeal must be conducted by a person more senior to the person who handled the complaint on the first occasion, or by the CMC as directed by Senior Executive if no such person is available.
46. Complainants may choose to contact a relevant external agency for advice or assistance at any stage through-out the complaints process. Examples of external agencies may include but are not limited to;
 - a. the NSW Ombudsman, the Anti-Discrimination Board,
 - b. the Australian Human Rights Commission and
 - c. the NSW Civil and Administrative Tribunal.

10 Anonymous Complaints

47. The University accepts anonymous complaints and aims to investigate such complaints if possible. However, if there is insufficient or unclear detail provided, the University may be unable to progress the complaint.
48. Complainants may request that their identity be withheld from the complaint handler and the respondent. The CMC will consider the request and advise the complainant whether this is viable. There may be some instances where the nature of a complaint is so personalised, it is not possible to progress a complaint without the complainant being identifiable.

11 Record Keeping

49. Records and documents created in the course of investigating the complaint must be stored and retained in accordance with UOW Records Management Policy.

12 Roles & Responsibilities

50. The University is responsible for:
 - a. Ensuring that the Complaints Management Policy is accessible to all staff, students and community members,



- b. Ensuring that the Complaints Management Policy is implemented and applied consistently across all faculties, divisions, units and campuses to which it applies,
 - c. Promoting best practice in investigating and, where possible, resolving complaints,
 - d. Ensuring that the procedures for investigating and, where possible, resolving complaints adhere to the principles of procedural fairness,
 - e. Analysing and reporting complaint data to improve University service and performance.
51. Staff who have a complaint referred to them are responsible for:
- a. Identifying the appropriate management mechanism and, where necessary, managing complaints according to that policy or procedure,
 - b. Attempting to resolve complaints that fall into their area of responsibility and decision-making authority,
 - c. Referring complaints to the next level of management if they have insufficient authority to handle the complaint and/or to implement a resolution,
 - d. Address and acknowledge complaints in a timely manner,
 - e. Accurately document and record all aspects of their dealings during the complaints management process,
 - f. Observing privacy and confidentiality obligations,
 - g. Referring and or seeking advice from specialist units.
52. Complainants are responsible for:
- a. Providing a clear and honest account of their concerns and their expectations for the outcome of their complaint, including providing all relevant information and documents to assist in the consideration, management and/or resolution of the matter,
 - b. Engaging openly in the complaint handling process, including participating in discussions with the complaint handler to resolve their concerns,
 - c. Responding to University requests for information in a timely manner,
 - d. Being courteous to individuals involved in the complaint handling process,
 - e. Observing privacy and confidentiality obligations.
53. Respondents are responsible for:
- a. Providing a clear and honest account of their actions, concerns and their expectations for the outcome of the complaint, including providing all relevant information and documents to assist in the consideration, management and/or resolution of the matter,
 - b. Engaging openly in the complaint handling process, including participating in discussions with the complaint handler in an attempt to resolve concerns raised by the complainant,
 - c. Not taking any adverse action or retribution towards the complainant or any other parties involved in the matter,
 - d. Responding to University requests for information in a timely manner,
 - e. Being courteous to individuals involved in the complaint handling process,



- f. Observing privacy and confidentiality obligations.

Specific Responsibilities of Specialist Units

54. Specialist Units should be contacted for advice on how to handle a general complaint at the local level. Suspected unlawful behaviour must be referred to the relevant Specialist Unit to investigate in the first instance.
55. The CMC is responsible for:
- Receiving, assessing and referring complaints to the appropriate units for investigation and response,
 - The collection, analysis and reporting of complaint data,
 - Providing advice, training and guidance to UOW staff who deal with complaints,
 - Responding to enquiries from external agencies relating to complaints,
 - Ensuring the complaints management system is compliant with applicable legislation and industry best practice,
 - Ensuring complainants and respondents are informed of support services available to them.
56. The CMC may, but is not limited to, managing complaints that relate to:
- concerns
 - Investigations undertaken by the CMC are confined to UOW and may only extend to its controlled entities or associated bodies under the direction and approval of the Vice Chancellor,
57. The CMC will not investigate matters that are already managed by other areas of UOW unless directed to do so by the Vice Chancellor or a member of the Senior Executive.
58. The People and Culture Division is responsible for:
- University staffing policies and procedures,
 - Employee entitlements,
 - Staff consultations and resolutions of disputes relating to employment,
 - Reportable conduct involving children or young people (under 18).

13 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	18 August 2023	University Council	New Policy replaces Grievance Policy.