

1. Purpose of procedures

1.1 These procedures provide a framework to investigate and resolve student grievances, as set out in Table 1 of Schedule A in the Student Grievance Resolution – Governing Policy, in a timely, fair and just way.

1.2 These procedures adhere to good practice principles for managing student grievances.

2. Scope and application

2.1 This procedure applies to all current students or immediate past students of the University of the Sunshine Coast.

2.2 These procedures should be read in conjunction with the Student Grievance Resolution – Governing Policy.

3. Definitions

Please refer to the University's Glossary of Terms for policies and procedures.

Anonymous complaint: A grievance may initially be made by a complainant or representative anonymously and, where sufficient information is provided to make an investigation feasible, such grievances will be investigated.

Appeal: A written application by a complainant to have a decision affecting the complainant investigated. An appeal may be upheld or dismissed in part or in whole or a new determination made.

Assault has its legal meaning (Section 245 *Criminal Code* 1899 (Qld)) and includes striking, touching moving or otherwise applies force of any kind to another person without consent.

Complainant: The student raising the grievance.

Decision makers: University staff member (academic or professional staff) identified in Schedule A who investigate and deal with a student's grievance.

Discrimination related grievances: Matters relating to unfair treatment based on attributes such as a person's race, disability, gender or sexuality. Refer to the Sexual Assault, Sexual Harassment and Respectful Relationships (Students) - Governing Policy.

External review: An application to an external agency by a complainant dissatisfied with the grievance process seeking an appraisal of the fairness and appropriateness of the grievance process undertaken by the University.

Frivolous grievance: A grievance that is deemed to be groundless and trivial. A complaint found to be frivolous will be dismissed by the University.

Grievance: A real or perceived cause for complaint, dissatisfaction, disagreement or dispute, concerning a student for which resolution is being sought. Grievances must be related directly to the student's studies at the University or life as a student.

Human rights: has the meaning set out in the *Human Rights Act 2019* (Qld). Rights relevant to a student's relationship to the University may include (but are not limited to) the rights of freedom of thought, conscience, religion and belief; freedom of expression; peaceful assembly and freedom of association; cultural rights including of Aboriginal and Torres Strait Islander people; the right to a fair hearing; and the right to protection of privacy and reputation.

Mediation/conciliation: Informal discussions and negotiations involving the complainant and respondent(s) trying to reach a mutually acceptable resolution of the student's grievance. Resolution is therefore reached by agreed outcome, and not by an imposed decision.

Procedural fairness:

“Procedural fairness is about providing a person who might be adversely affected by a decision a ‘fair hearing’ before the decision is made.”⁽¹⁾ It refers to the process by which a decision is reached and not the decision itself. With regard to misconduct, procedural fairness requires that a student, against whom an allegation of misconduct is made by the University, be provided with:

- all relevant details and evidence of the alleged misconduct; and
- an opportunity to present their version of events concerning the alleged misconduct.

The procedure also requires an investigator and/or decision maker to:

- act impartially, without bias, and without preconceived notions of culpability;

APPROVAL AUTHORITY

Deputy Vice-Chancellor (Academic)

RESPONSIBLE EXECUTIVE MEMBER

Deputy Vice-Chancellor (Academic)

DESIGNATED OFFICER

Pro Vice-Chancellor (Students)

FIRST APPROVED

30 October 2007

LAST AMENDED

27 April 2021

REVIEW DATE

6 December 2021

STATUS

Active

- commence and complete the investigation without undue delay;
- make inquiries and to make findings of fact about the matter/s raised based on sound reasoning and relevant evidence;
- consider all relevant information and evidence;
- not take into account any irrelevant matters;
- inform the student(s) concerned of the allegation and the range of possible consequences if the investigation results in the allegation being substantiated;
- provide the student(s) concerned with the opportunity to respond to and put forward evidence or arguments in their favour;
- provide opportunity for the student(s) concerned to make a case concerning why a particular consequence should not follow in the event that the allegation is substantiated; and
- to deal with the allegation in a timely manner.

Respondent: The person or unit the complainant has a grievance with.

Review: A written application by a complainant requesting an appraisal of an initial decision affecting the complainant. The review is conducted by an independent or more senior officer of the University who is a designated decision maker. A request for a review may be upheld in part or in whole or a new determination made.

Vexatious grievance: A grievance made maliciously with the intent to annoy or embarrass the respondent or made with another ulterior purpose. A grievance found to be vexatious will be dismissed by the University. Making a vexatious grievance may constitute misconduct under the Student Conduct – Governing Policy.

4. Student support

4.1 It is recognised that students accessing in these procedures may require personal support. Student Wellbeing/SafeUSC offers advice and support tailored to a student's needs. That may include special arrangements for study, counselling support, assistance with tenancy and welfare issues, SafeUSC services and referrals to off campus support programs. Access to this support is available to students whether or not a grievance is lodged. Students are encouraged to contact Student Wellbeing/SafeUSC for a confidential and free consultation to identify the advice and support required. A comprehensive list of services that are available through Student Wellbeing/SafeUSC can be found online.

4.2 Students are encouraged to consult the USC Student Guild for advice. Contact with the USC Student Guild must be scheduled with adequate notice ahead of the specified deadlines for submission of any grievance.

4.3 Students may have a support person in any meeting or conciliation session but are advised that this person must be a representative of the USC Student Guild or another person who is not legally trained. The student may confer with the support person, but the support person may not advocate on the student's behalf. Students must give adequate notice to the person arranging the meeting of the name of any support person attending.

4.4 In certain circumstances the Pro Vice-Chancellor (Students) may provide approval to allow the support person to advocate on the student's behalf. The Student should email the Pro Vice-Chancellor (Students), (PVCStudents@usc.edu.au) five (5) business days before the meeting, requesting approval for their support person to advocate on their behalf. The student should provide evidence and grounds for their request. The outcome will be advised to the student within three (3) business days. If the meeting or conciliation session is being held by another University staff member, the Office of the Pro Vice-Chancellor (Students) will also advise that University staff member, if the request is approved.

4.5 A complainant may contact the Student Ombudsman for guidance in relation to these procedures or to ask for a review about how the procedures have been applied.

5. Managing student grievances

5.1 Student grievances may involve:

- a problem or concern regarding their treatment as a student;
- the quality or delivery of a service provided by the University;
- the conduct of staff; or
- the conduct of other students

for which the student is seeking resolution. These procedures ensure that grievances are managed in a reasonable timeframe and in a supportive environment, without victimisation or intimidation of anyone connected with the grievance either during or subsequent to the grievance resolution process.

5.2 Before submitting a grievance, students are encouraged to review the Student Grievance Resolution – Governing Policy to better understand the grievance process.

5.3 Student grievances under these procedures must be lodged within 12 months after the event unless exceptional circumstances exist that prevented earlier reporting. Timely reporting of grievances is important to ensure fair treatment of all involved. Where the last alleged occurrence of sexual harassment, sexual assault or discrimination falls outside the 12 months, students can still access these procedures; however, in those circumstances, the University's investigation may be limited.

5.4 Student grievances cannot be raised in the following situations:

- (a) public interest disclosures;
- (b) decisions of USC Council and USC Council Committees;
- (c) the content of approved University policies and procedures; and
- (d) where the complainant or the respondent have referred the matter to the Queensland Ombudsman.

5.5 The University will determine under which policy or procedures a grievance will be managed. Where it is determined that an action initiated under these procedures should be managed under a different policy or procedure (such as in the case of alleged sexual harassment or alleged staff misconduct), the complainant will be advised of the procedures under which the grievance will be managed. The process and timeframes will follow those in the policy or procedure determined by the University and the timeframes may be different from those set out in these procedures.

5.6 If several students have the same grievance, those students may act as a group for Step 1 (see 5.14 below). When accessing Steps 2 and 3 of these procedures, complainants must submit their own written version of events.

5.7 Where a grievance is found to be frivolous or vexatious, it may be considered to be student misconduct under the Student Conduct – Governing Policy and Student Misconduct – Procedures.

5.8 Where a member of the University community initiates or incites adverse action against another person because of their involvement in the grievance resolution process, the University will take appropriate action under the Student Conduct – Governing Policy and the Staff Code of Conduct – Governing Policy.

5.9 A grievance may be disclosed anonymously by a complainant or respondent for the purposes of seeking advice or guidance. A grievance may be lodged anonymously and, where possible, such reports will be considered for investigation having regard to the limitations associated with that anonymity.

5.10 A student may withdraw their grievance at any time by notifying the University in writing (email: grievances@usc.edu.au) of the withdrawal. However, the University may determine that the seriousness of the matters raised warrants the University continuing to investigate and take action in relation to the grievance.

5.11 There is no cost to students who lodge a grievance or access the support services available at the University.

5.12 Decision makers will review a student's grievance using the principles of procedural fairness. They will identify the key issues and relevant considerations in a manner that is reasonable, fair and impartial including evaluating all relevant facts, disclosing any conflicts of interest and maintaining privacy and confidentiality (see Section 10 of these procedures).

5.13 Decision makers can investigate and/or request more information related to a grievance from members of the University to assess the validity of the complaint.

5.14 The process has two or three required steps depending on the category of grievance (as specified in Table 1 of Schedule A of the Student Grievance Resolution – Governing Policy):

Step 1: Resolve the grievance informally;

Step 2: Make a formal grievance; and

Step 3: Refer the grievance to the final decision maker.

Figure 1: Student grievances flowchart

Note: Not all steps are available depending on the category of grievance (as specified in Table 1 of Schedule A of the Student Grievance Resolution – Governing Policy).

6. Step 1: Resolve the grievance informally

6.1 Students are encouraged to resolve the grievance informally. Informal resolution strategies may include seeking to conciliate, mediate, discuss or negotiate a grievance with the respondent by:

- (a) writing, either by letter or email, to the respondent detailing their concerns and asking for the form of resolution they seek;
- (b) requesting that a relevant staff member raise the substance of their grievance directly with the respondent;
- (c) requesting the Head of the relevant School/Unit for a conciliation or mediation session; or
- (d) enlisting assistance from the USC Student Guild to act on the complainant's behalf in informal discussions with the respondent.

6.2 Section 6.1 may not be appropriate for grievances related to sexual assault, sexual harassment, assault, harassment, bullying or discrimination. Students are encouraged to read these procedures in conjunction with the related policy and procedures:

- Sexual Assault, Sexual Harassment and Respectful Relationships (Students) - Governing Policy

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· Sexual Assault, Sexual Harassment and Respectful Relationships (Students) - Procedures

6.3 Disclosures to Student Wellbeing/SafeUSC made under the Sexual Assault, Sexual Harassment and Respectful Relationships (Students) – Procedures is an alternative approach to Step 1 of these procedures. Students raising these types of grievances are encouraged to contact Student Wellbeing/SafeUSC for assistance.

6.4 Students should be prepared to discuss the matter to try to reach a mutually acceptable outcome.

6.5 Where the respondent is a staff member of the University, the grievance will be acknowledged within five (5) business days and the review of the grievance will commence within ten (10) business days of receipt of the grievance. The student will be kept informed of the progress of the grievance submission during the investigation process at regular intervals. The complainant will be advised of the outcome within five (5) business days of a decision being reached.

6.6 Outcomes of Step 1 may include:

- (a) resolution of the grievance;
- (b) the student, with knowledge of the circumstances, does not submit a formal grievance; or
- (c) the student submits a formal grievance (Step 2).

7. Step 2: Formal grievance

7.1 Where a grievance is unable to be resolved during Step 1 or the student does not wish to participate in the informal resolution process, the complainant may commence Step 2 of the grievance resolution process.

7.2 Students can submit their formal grievance and all relevant supporting documentation online to the decision maker as per the instructions available on the University's website.

7.3 The formal grievance should contain details about:

- (a) the nature of the student's grievance;
- (b) the name of the respondent;
- (c) the timelines for events pertinent to the grievance;
- (d) what action has been taken to resolve the matter to date;
- (e) the evidence available to support the grievance;
- (f) the outcome the student is seeking (see Section 5.5.4 Student Grievance Resolution – Governing Policy); and
- (g) additional support material to explain special circumstances not raised previously.

7.4 Sections 7.2 and 7.3 of these procedures may not be appropriate for grievances related to sexual assault, sexual harassment, assault, harassment, bullying or discrimination. Students are encouraged to read these procedures in conjunction with the related policy and procedures:

- Sexual Assault, Sexual Harassment and Respectful Relationships (Students) - Governing Policy
- Sexual Assault, Sexual Harassment and Respectful Relationships (Students) - Procedures

7.5 Reports provided to Student Wellbeing/SafeUSC made under the Sexual Assault, Sexual Harassment and Respectful Relationships (Students) – Procedures is an alternative approach to Step 2 of these procedures. Students raising these types of grievances are encouraged to contact Student Wellbeing/SafeUSC for assistance.

7.6 The University will acknowledge receipt of the grievance within five (5) business days and commence review of the grievance within ten (10) business days of receipt of the grievance. The student will be kept informed of the progress of the grievance submission during the investigation process at regular intervals. The complainant will be advised of the outcome within five (5) business days of a decision being reached.

7.7 The outcomes of Step 2 may include the decision maker undertaking one or more of the following actions:

- (a) correcting an error in relation to the student or the student's record;
- (b) making a decision that may or may not be in the student's favour;
- (c) rejecting the grievance as unsubstantiated, frivolous or vexatious;
- (d) making a commitment to review and improve existing services and processes;
- (e) issuing an apology to the student; or
- (f) referring the grievance as an allegation of misconduct for investigation under the Student Conduct – Governing Policy or Staff Code of Conduct – Governing Policy.

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7.8 The decision letter will outline:

- (a) the process of investigation followed by the decision maker;
- (b) the reasons for the decision;
- (c) advice on options to seek a Step 3 decision, if available; and
- (d) support services available to the student.

7.9 The student, following notification of a Step 2 decision, may:

- (a) choose not to seek a review of the decision;
- (b) submit a formal application to review the decision; or
- (c) if no review within the University is available, lodge a complaint with an agency external to the University (where relevant).

8. Step 3: Review of decision

8.1 If a student is not satisfied with the handling of their grievance under Step 2, the student may submit an application for review of the decision depending on the category of grievance (as specified in Table 1 of Schedule A of the Student Grievance Resolution – Governing Policy).

8.2 The decision being reviewed and the reasons for review should be explained clearly in the application. If the complainant seems to have no reasonable grounds, or lacks appropriate evidence to support the review, the University shall advise the student within five (5) business days that their application cannot be progressed unless further information is provided. It will not be sufficient for students to assert circumstances, performance or changes to circumstances without some evidence to substantiate or support their claims.

8.3 A request for review must be submitted within twenty (20) business days of the Step 2 decision.

8.4 Review applications will be acknowledged within five (5) business days of receipt.

8.5 The relevant decision maker is to commence consideration of the internal appeal within ten (10) business days of receipt. The student will be kept informed of the progress of the review submission during the investigation process at regular intervals.

8.6 The outcomes of Step 3 may include the decision maker undertaking one or more of the following actions:

- (a) upholding in its original form the Step 2 outcome;
- (b) recommending an alternative action to assist with the resolution of the complaint; and
- (c) recommending actions and improvements to the responsible officer of the University Executive to address systemic issues arising from the review of a grievance.

8.7 Once a decision is reached, the University will advise the complainant of the outcome within five (5) business days, setting out the process of investigation followed and the reasons for the decision as well as the details to whom the student may address an external review (if applicable).

8.8 The decision letter will outline:

- (a) the process of investigation followed by the decision maker;
- (b) the reasons for the decision;
- (c) advice about options to seek an external review (if available); and
- (d) support services available to the student.

8.9 The student, following notification of a Step 3 decision, may:

- (a) choose not to seek an external review; or
- (b) lodge a complaint with an agency external to the University (where relevant).

9. External Reviews

9.1 If a student is not satisfied with the University's final decision, having exhausted all relevant internal stages available for resolving a grievance, the student may lodge an appeal to an external agency in accordance with that agency's procedures.

9.2 Information on how to make a complaint to the Queensland Ombudsman can be found at the Queensland Ombudsman website <http://www.ombudsman.qld.gov.au>

9.3 International students may contact the Australian Department of Education, Skills and Employment, which will only intervene where the University's appeals process was not conducted correctly or if the University did not make the appeals process available to the student.

9.4 If any external complaint handling process results in a decision that supports a student, the University will implement any required corrective or preventive measure immediately and advise the student of the outcome.

10. Confidentiality

10.1 The University will treat all information as confidential and not release to any third party or external agency, except where it is required by law, to ensure that matters are investigated or the person expressly consents to its release in writing.

11. Actions

11.1 Any administrative actions necessary to give effect to the decision must be taken at the time of written notification of the decision to the student.

11.2 Where appropriate, or where any underlying systemic issues are identified, the Pro Vice-Chancellor (Students) may make recommendations for further action. Actions recommended by the Pro Vice-Chancellor (Students) must be implemented as soon as practicable by the relevant School/Unit, or a rationale provided for not accepting the recommended actions.

12. Timeframe for Extensions

12.1 Where exceptional circumstances can be demonstrated, the Pro Vice-Chancellor (Students) may extend the timeframes for students and decision makers listed in these procedures. The complainant will be notified in writing of any extension granted to a timeframe.

13. Recordkeeping and Reporting

13.1 Records must be managed according to the Information Management Framework - Governing Policy. The full copy of the student grievance, together with an official record of any decisions made to resolve the matter, must be maintained.

13.2 Students should keep their own notes and records of any meetings held and any agreements reached in relation to the grievance.

13.3 The University maintains a register summarising all deliberations, findings and decisions of student grievances made under this procedure for reporting purposes.

13.4 The Pro Vice-Chancellor (Students) reports to Academic Board annually, summarising the nature of the grievances submitted during the reporting period and any decisions, findings or recommendations made.

Student Forms and Guidelines

See: <https://www.usc.edu.au/learn/student-support/have-your-say/compliments-complaints-feedback-or-student-grievances>

Staff Guidelines

Staff guidelines and templates are available on MyUSC (staff login required).

<https://my.usc.edu.au/student-success/about-students/evaluation-and-feedback/student-grievance-resolution>

Footnotes

(1) Good Decisions resource *Queensland Ombudsman*

(<https://www.ombudsman.qld.gov.au/improve-public-administration/public-administration-resources/good-decisions>)

END

Appendix A – Summary of Timelines

The respondent is usually the relevant decision maker on behalf of the University, as set out in Schedule A of the Student Grievance Resolution – Governing Policy. The term *respondent* is also used in other policies and procedures and may refer to a person about whom an allegation of misconduct has been made.

The University recognises that, in order to ensure a fair and equitable outcome is achieved, complex issues involving multiple parties may take longer to resolve. The Procedures set out how an extension to the timelines may be approved in extenuating circumstances.

If a grievance is referred for management under alternative procedures (i.e. Student Misconduct – Procedures) the process and timeframes will be then actioned in accordance with the referred procedures, which may differ to the provisions of these procedures.

STEP 1 - INFORMAL STEP

Attempt informal resolution	Complainant	within 12 months of the action, incident or event
Acknowledge receipt	Respondent if a University staff member	within 5 business days of receipt of grievance
Commence process to resolve	Respondent if a University staff member	within 10 business days of receipt of grievance
Advise decision about grievance	Respondent if a University staff member	within 5 business days of decision being reached

STEP 2 – FORMAL GRIEVANCE

Lodge formal written grievance	Complainant	within 12 months of the action, incident or event
Acknowledge receipt	University	within 5 business days of receipt of grievance
Commence process to resolve	University	within 10 business days of receipt of grievance
Advise decision about grievance	University	within 5 business days of decision being reached

STEP 3 – REVIEW OF DECISION

Submit request for review	Complainant	within 20 business days of Step 2 decision notification
Acknowledge receipt	University	within 5 business days of receipt of review request
Commence process to resolve	University	within 10 business days of receipt of review request
Advise decision	University	within 5 business days of decision being reached

EXTERNAL REVIEW

Lodgement of an appeal with an external agency, e.g. Queensland Ombudsman	Complainant	must be lodged in accordance the process set by the relevant external agency.
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END

RELATED DOCUMENTS

Anti-Discrimination and Freedom from Bullying and Harassment (Staff) - Governing Policy
Equity and Diversity - Governing Policy
Information Management Framework - Governing Policy
Monitoring Academic Progress - Academic Policy
Monitoring Academic Progress - Procedures
Review of Assessment and Final Grade - Procedures
Sexual Assault, Sexual Harassment and Respectful Relationships (Students) - Governing Policy
Sexual Assault, Sexual Harassment and Respectful Relationships (Students) - Procedures
Student Conduct - Governing Policy
Student Grievance Resolution - Governing Policy
Student Misconduct - Procedures
Student Ombudsman - Operational Policy
Student Review and Appeals - Procedures

LINKED DOCUMENTS

Student Grievance Resolution - Governing Policy

RELATED LEGISLATION / STANDARDS

Education Services for Overseas Students (ESOS) Act 2000 (Cth)
Tertiary Education Quality and Standards Agency (TEQSA) Act 2011 (Cth)
Higher Education Standards Framework (Threshold Standards) 2015 (Cth)
National Code of Practice for Providers of Education and Training to Overseas Students 2018
Human Rights Act 2019 (Qld)
AS/NZS 10002:2014 Australian/New Zealand Standard, Guidelines for complaint management in organisati
TEQSA Guidance Note: Grievance and Complaint Handling

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