

Student and Student-Related Complaints Procedure

Details the rules for student and student-related complaint resolution

Category	Academic
Effective date	2 December 2019
Review date	25 November 2022
Owner	Academic Registrar
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Version no.	1.0
Contact	complaintsadvise@rmit.edu.au
Register reference	POL/2019/00083

Context

This procedure describes how current, former and prospective students can seek resolution of complaints relating to aspects of their experience or engagement with RMIT. The purpose of the procedure is to ensure a consistent, coordinated and supportive approach to timely and fair resolution of student and student-related complaints.

Authority

Student and Student-Related Complaints Policy

Scope

This procedure applies to staff, affiliates, students and visitors involved in a student or student-related complaint made under the Student and Student-related Complaints Policy.

This procedure also applies where the complaint relates to the decision-making process applied under another policy, where that policy provides an alternative appeal, review or complaint mechanism.

Current, former or prospective students who are or were enrolled at RMIT English Worldwide under RMIT Training's Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) provider no. 01912G are excluded from this procedure and should refer to the RMIT Training Student Complaints Resolution Procedure.

Details

1. Feedback, enquiries and complaints

- 1.1. Current, former and prospective students may provide feedback, make enquiries or lodge a complaint about aspects of their experience or engagement with RMIT.

- 1.2. General feedback and enquiries can be addressed by contacting the responsible area directly or via RMIT Connect.
- 1.3. Matters and concerns where a formal response is requested or expected, may be raised in the form of:
 - a) an enquiry or feedback relating to a decision, action, process or service provided
 - b) a complaint, advising dissatisfaction with:
 - a decision, action or failure to act
 - a delay in providing a service or taking action
 - the behaviour of an employee, student or affiliate of the University.
- 1.4. Feedback and enquiries can be formalised into a complaint for investigation and resolution by ARG Complaints where:
 - a) a person submitting feedback or enquiry is dissatisfied with the response received by the local area or RMIT Connect
 - b) the local area or RMIT Connect consider the matter to be complex, high risk or unable to be resolved at their level.
2. Lodging a complaint
 - 2.1. Complaints must be submitted to ARG Complaints via the RMIT Connect portal.
 - 2.2. Complaints from former and prospective students can also be submitted via the following channels and will be logged by ARG Complaint staff onto RMIT Connect portal on behalf of the complainant:
 - a) in hard copy by person to RMIT Connect
 - b) via email to complaintsadvice@rmit.edu.au
 - 2.3. Complainants must provide:
 - a) full name, contact details and student ID (where applicable)
 - b) a comprehensive description of the complaint
 - c) the outcome sought
 - d) all relevant information and documentation to support the complainant's claims.
 - 2.4. In certain circumstances, information and documentation may also be provided by Safer Community and other areas within the University at the consent of the complainant.
 - 2.5. Parties to a group complaint must make individual complainant submissions to ensure authenticity and engagement in complaint resolution processes.
 - 2.6. On submission via the RMIT Connect portal, the complainant will receive a system generated receipt.
 - 2.7. A complaint can be withdrawn at any time, but RMIT may decide to initiate/continue the investigation.

3. Timelines

- 3.1. Investigation will commence within 10 days of lodgement.
- 3.2. Complaint resolution and outcome advice will generally be provided within 20 working days from the date that the complainant provided all the information necessary to handle the complaint. Every effort will be made to resolve matters as quickly and efficiently as possible, however a longer period may be required if the complaint is unusually complex.
- 3.3. Where a complaint outcome can't be provided within the timeframes identified, the case manager will provide the complainant with:
 - a) regular updates on the progress of the investigation (with no more than 10 working days between contact)
 - b) prompt written notification, including reasons, where a complaint is expected to take more than 60 calendar days to resolve.

4. Investigation

- 4.1. On receipt, submissions will be assessed by ARG Complaint staff to determine the most appropriate resolution process.
- 4.2. Where the submission is:
 - a) feedback or an enquiry, the matter will be referred to the local area, including the relevant RMIT Group entity, for consideration and response
 - b) a complaint, the submission will be assigned to an ARG Complaints Case Manager ("case manager").
- 4.3. If the complaint is related to unlawful, concerning, threatening or inappropriate behaviour such as bullying, discrimination or vilification:
 - a) consideration will be given to the gender of the assigned case manager
 - b) Safer Community will be contacted to offer advice and support to the complainant
 - c) the case manager, in consultation with the complainant and Safer Community, will determine how the complaint will be managed.
- 4.4. ARG Case managers:
 - a) assess complaints and may liaise with the complainant to determine the most appropriate resolution process
 - b) acknowledge receipt of the complaint within three (3) working days of submission and advise all parties to the complaint that the case manager will be the key contact person for the complaint
 - c) adopt a conciliatory approach by conducting an independent investigation which may include liaising with and obtaining further evidence from the complainant, respondents or others and gaining advice from other staff and areas of the University as required
 - d) may arrange to meet with the complainant and/or respondent and will advise parties of the opportunity to attend a meeting accompanied by an advocate or support person
 - e) provide regular updates to the complainant

- f) refer student and staff misconduct to internal or external authorities where appropriate
- g) report unreasonable conduct to the Academic Registrar
- h) maintain accurate records of the entire complaint process on the RMIT Connect portal.

5. Outcome notification

5.1. Written complaint outcomes provided by case managers will:

- a) be timely
- b) acknowledge each point raised by the complainant and the evidence submitted
- c) provide the decision and reasons for the outcome
- d) advise that the complainant may seek a review of the decision in accordance with the grounds of review
- e) notify the relevant areas of any actions, as required.

5.2. Case managers will finalise and close the complaint record.

5.3. Outcome decisions and actions will be implemented. Where an outcome is in favour of the complainant, the relevant areas must immediately:

- a) implement the decision and/or take the preventative or corrective action required
- b) notify the case manager in writing when the required actions are completed, enabling the case manager to advise the complainant accordingly.

6. Managing anonymous complaints

6.1. There are two kinds of anonymous complaints:

- a) where a person doesn't disclose their identity when submitting a complaint
- b) where a current, former or prospective student identifies themselves when submitting a complaint but asks to have their identity withheld in the resolution of the complaint.

6.2. Entirely anonymous complaints are normally only investigated where there is enough information to enable an investigation to occur and they relate to:

- a) serious matters involving a member of the University community, or possible risk to safety, property or the University's reputation
- b) any incident that government legislation requires the University to report. The matter will be reported, even if the complaint doesn't provide enough information for the University to investigate.

6.3. Where a complainant identifies themselves but asks to have their identity withheld, the case manager:

- a) determines whether it is possible to resolve the complaint in accordance with the principles of fairness and natural justice without revealing the identity of the complainant
- b) advises the complainant accordingly, before proceeding with the investigation.

7. Complaints about student or staff misconduct

- 7.1. Where a complainant alleges misconduct by a staff member or student, RMIT may initiate relevant processes such as staff or student misconduct action alongside case management of the complaint.
- 7.2. In certain circumstances RMIT will be required to report the matter, irrespective of whether the complaint has been withdrawn, to external authorities such as:
 - a) the police, in the case of criminal matters
 - b) another government agency, in accordance with their requirements.
- 7.3. Students may notify external agencies of conduct about which they have complained to RMIT.
 - a) Where such a matter has been reported, RMIT will maintain its commitment to complaint resolution.
 - b) RMIT will suspend the investigation of a complaint that may compromise or undermine an external investigation until the University has been provided with clearance to proceed.
- 7.4. Where there are concerns about safety, RMIT may take action to remove or isolate students or staff from the campus or workspace while an investigation is carried out, see the Student Conduct Policy or Code of Conduct for staff.

8. Support for complainants and respondents

- 8.1. Student Counselling Services or the Employee Assistance Program support the welfare of all current students and staff who are parties to a complaint.
- 8.2. RMIT University Student Union (RUSU) student rights team are available to help current student complainants prepare and submit a complaint.
- 8.3. Ngarara Willim Centre provides specialist services and support for Indigenous students.
- 8.4. Parties to a complaint are permitted an advocate and/or support person. An advocate or a support person:
 - a) is chosen by the complainant or respondent
 - b) cannot be anybody involved with the complaint or the resolution of the complaint and is often a partner, friend, family member, health professional or Student Rights Officer
 - c) must not be a legal practitioner
 - d) has a right to attend a meeting however conflicts in availability cannot unreasonably delay the complaint resolution process.
- 8.5. If a complainant or respondent is under the age of 18, they must be accompanied at the meeting by a parent, guardian or caregiver who is responsible for their interaction with the University.

9. Disclosures of concerning, threatening or inappropriate behaviour

- 9.1. During engagement with complaint processes, a complainant may choose to disclose details of concerning, threatening or inappropriate behaviour.

- 9.2. Following a disclosure, staff must contact RMIT Melbourne Safer Community or RMIT Vietnam Safer Community for initial advice while maintaining student privacy and referral to relevant services.
- 9.3. RMIT Melbourne Safer Community or RMIT Vietnam Safer Community will provide support and advice to complainants who report this behaviour.
- 9.4. High risk matters will be reported to the Academic Registrar.
- 9.5. Mandatory reporting and other requirements may apply including the Reportable Conduct Scheme for students under the age of 18.

10. Confidentiality and privacy

- 10.1. All parties to a complaint must respect the confidentiality of the complaint and must not discuss the details with anyone other than their support person or advocate while the complaint is being investigated.
- 10.2. Authorisation to disclose or distribute information to other parties may be required by the University.
- 10.3. Advocates and support persons are bound by the same confidentiality as parties to the complaint.
- 10.4. Limitations apply to confidentiality and privacy where risks to health and safety are present, or in matters involving persons under 18 years of age.
- 10.5. Actions imposed/introduced as an outcome of a complaint can be shared with the complainant and respondent, but any disclosure must be balanced against preserving the privacy of others.
- 10.6. RMIT will not unnecessarily disclose the identity of the complainant or witnesses to the respondent where this may constitute a risk to safety.
- 10.7. Use or disclosure of personal information in the case management of a complaint must be consistent with the RMIT Privacy Statement.

11. Unreasonable conduct

- 11.1. Where a complaint involves unreasonable conduct, case managers will refer the matter to the Academic Registrar for consideration.
- 11.2. Examples of unreasonable conduct include, but are not limited to:
 - a) behaviour which, because of its nature or frequency, raises substantial health, safety or resource issues for the parties to a complaint
 - b) behaviour, which is malicious, vexatious, mischievous, frivolous or querulous in nature
 - c) deliberately issuing false statements
 - d) refusing to cooperate with the complaints process
 - e) failing to follow a reasonable instruction
 - f) behaviour which discourages a person from submitting further information or from making a complaint of sexual harassment or sexual abuse.
- 11.3. Where the Academic Registrar is satisfied that unreasonable conduct exists, this may result in a determination to:

- a) dismiss the complaint
- b) initiate staff or student misconduct processes
- c) take any other action as deemed appropriate.

12. Complaint outcome review

12.1. Complainants may seek a review of an outcome where they either:

- a) provide evidence of an error in the investigation and decision
- b) provide evidence that was not previously available, and which would have been a significant factor in deciding the outcome
- c) present a compelling argument that the outcome is unreasonable. Unreasonableness may include but is not limited to the following considerations: relevance (of information taken into account), comprehensiveness (consideration of all evidence provided), justification (provision of reasons for conclusions reached), timeliness (in the handling of the complaint and its impact on the complainant), consistency (with standards and values of the university), and proportionality (reasonableness of the outcome given the complainant's circumstances).

12.2. Requests for an outcome review must:

- a) be submitted in writing via email to review.complaint@rmit.edu.au no later than 20 working days from the date the outcome was sent
- b) address and provide evidence to support the grounds for review.

12.3. The outcome review will be conducted by a case manager who has not had any involvement with the original complaint investigation and the decision.

12.4. A review will only be undertaken where grounds have been established; otherwise no review will be actioned.

12.5. Complainants can anticipate the provision of an outcome review within 20 working days from the date of submission. Every effort will be made to resolve matters as quickly and efficiently as possible, however a longer period may be required if the review contains evidence that was not previously available.

12.6. Where a review outcome can't be provided within the timeframes identified, the case manager will provide the complainant with:

- a) regular updates on the progress of the review (with no more than 10 working days between contacts), and
- b) prompt written notification, including reasons, where the outcome review is expected to take more than 60 calendar days to resolve.

12.7. Where grounds have not been established, the complainant can anticipate notification of this decision within 10 working days from the date the request was received.

12.8. Timely review outcomes are communicated in writing by case managers and include:

- a) acknowledgement of each point raised by the complainant and the evidence provided
- b) the decision and reasons for review outcome
- c) advice that the complainant can seek further review of the decision by the RMIT Ombuds where they are dissatisfied with a review outcome

- d) notification to the relevant areas of any actions, as required.
- 12.9. Case managers will finalise and close the complaint review record.
- 12.10. Review decisions and actions will be implemented. Where a review outcome is in favour of the complainant, the relevant area must immediately:
 - a) implement the decision and/or take the preventative or corrective action required by the decision
 - b) notify the case manager in writing when the required actions are completed, enabling the case manager to notify the complainant accordingly.
- 13. RMIT Ombuds
 - 13.1. At the conclusion of the outcome review, the complainant will be advised of their right to seek a further review of the decision by the RMIT Ombuds. The RMIT Ombuds provides an avenue of confidential and independent review for students who have unresolved complaints and is the final review opportunity to have the matter considered by the University.
 - 13.2. Complainants should exhaust all available internal (RMIT) review options before applying to the RMIT Ombuds.
- 14. External review - Victorian Ombudsman
 - 14.1. At the end of internal review opportunities, the matter is considered closed by the University.
 - 14.2. Complainants may seek opportunity to seek an external review of complaint by the Victorian Ombudsman or other body as appropriate.
- 15. Complaint records, analysis and reporting
 - 15.1. Complaints, outcomes and reviews are recorded in a central complaints database as follows:
 - a) complainant's details
 - b) how the complaint was received
 - c) description of the complaint or review request
 - d) the complainant's desired outcome (if known)
 - e) the case manager responsible for handling the complaint or review
 - f) any action taken, including contact with the complainant, response times and the outcome
 - g) when the complaint or review was finalised, and
 - h) any recommendations for improvement, and who is responsible for implementing them.
 - 15.2. Complaint data will be analysed and reported to relevant areas to prevent reoccurrence as follows:
 - a) investigation findings
 - b) performance against timelines i.e. average time to respond

- c) number of complaint outcomes overturned on internal review, and
- d) complaints escalated to the RMIT Ombuds or Victorian Ombudsman's office and their outcomes.

Document history

Version	Approval date	Effective date	Summary of changes	Approval authority
1.0	25 November 2019	2 December 2019	New procedure	Deputy Vice-Chancellor Education

See also

- RMIT Training Student Complaints Resolution Process [under review]
https://rmittraining.com/sites/rmit/files/Student_Complaints_Resolution_Process_19_July_2019__190719140752.pdf
- Ngarara Willim Centre
<https://www.rmit.edu.au/students/support-and-facilities/student-support/aboriginal-and-torres-strait-islander-students/about-ngarara-willim-centre>
- RMIT Safer Community
<https://www.rmit.edu.au/students/support-and-facilities/student-support/safer-community>
- Concerning, threatening or inappropriate behaviour
<https://www.rmit.edu.au/content/rmit-ui/en/students/support-and-facilities/student-support/safer-community/concerning-threatening-or-inappropriate-behaviour.html>
- RMIT Vietnam Safer Community
<https://www.rmit.edu.vn/safer-community>
- RMIT University Student Union (RUSU)
<https://www.rusu.rmit.edu.au/>