Complaints Resolution Policy for Students and Members of the Public

Section 1 - Purpose

(1) This Policy sets out the University's approach to responding to and resolving complaints from current, prospective and former students of the University and members of the public.

(2) This Policy is supported by the Complaints Resolution Procedure for Students and Members of the Public.

(3) Terms used in this Policy are defined in Section 5 – Definitions.

Scope

(4) This Policy applies to:

a. all current Macquarie University students, including Higher Degree Research (HDR) students;
b. students seeking admission to the University;
c. Macquarie University Alumni; and
d. members of the public.

(5) A complaint brought under this Policy may relate to:

a. the performance of University activities; or
b. the behaviour or actions of a staff member or another student of the University which directly relate to a University activity.

(6) This Policy does not apply to:

a. allegations of student misconduct (refer to the Student Conduct Rule);
b. allegations of research or academic integrity breaches (refer to the Macquarie University Code for the Responsible Conduct of Research and the Academic Integrity Policy);
c. complaints or allegations of non-compliance in relation to the Macquarie University Animal Ethics Committee and Human Research Ethics Committees including Faculty Ethics Review bodies (refer to the relevant committees Terms of Reference);
d. allegations by a student relating to behaviour by a staff member that may constitute sexual harassment or sexual assault (refer to the Gender-based Violence Prevention and Response Policy and Gender-based Violence Investigation Procedure);
e. complaints from staff relating to the behaviour of another staff member (refer to the Complaint Management Procedure for Staff);
f. failure to exercise functions in accordance with the Government Information (Public Access) Act 2009 (GIPA Act);
g. complaints related to the provision of health services; or
h. complaints related to the activities of a controlled entity of the University unless the complaint concerns the

conduct of a University staff member or student and is referred by the controlled entity to be dealt with under this Policy.

Section 2 - Policy

Part A - General Principles

(7) The University aims to maintain a student complaints resolution process that:

a. is carried out with procedural fairness;
b. is carried out with transparency and consistency;
c. encourages, where possible, informal resolution of concerns;
d. is implemented in a timely and responsive manner;
e. ensures, so far as is practicable, privacy, confidentiality and the health, wellbeing and safety of all parties;
f. encourages the maintenance of harmonious relationships;
g. ensures that people are not adversely affected where they make a complaint in good faith; and
h. provides accessible processes and procedures as outlined by the Student Accessibility Policy.

(8) Anonymous complaints will be accepted, however, if a complainant asks to remain anonymous it may affect the University's ability to investigate, resolve and/or respond to the complaint.

(9) Where a complaint is, or becomes, the subject of a police investigation the University will suspend the complaint investigation.

Privacy and Confidentiality

(10) Any information associated with a complaint:

a. will be treated with appropriate confidentiality, including by parties to the complaint;
b. may be disclosed in order to meet the requirements of procedural fairness and for the purposes of investigating or otherwise dealing with the complaint;
c. may be disclosed to an appropriate person or body where there is a serious risk of serious harm; and
d. may be required to be disclosed by law.

(11) Aggregated and de-identified data will be used to support the University's monitoring, reporting and continuous improvement processes.

(12) Confidentiality requests by the complainant or respondent will be discussed and applied where practicable.

(13) Confidential records will be maintained in accordance with the Records and Information Management Policy.

Part B - Complaint Resolution Principles

(14) The University's complaint resolution process has four levels as follows:

a. Level 1: Informal complaint resolution;
b. Level 2: Formal complaint resolution;
c. Level 3: Internal review; and
d. Level 4: External review.

(15) The procedures for each level of the complaint resolution process are outlined in the Complaints Resolution Procedure for Students and Members of the Public.

(16) The University reserves the right to take appropriate action, including disciplinary action, where a complaint is vexatious.

(17) The University may take action against a person who is found to have victimised another person because that other person is or was involved in the complaint process.

(18) The University may decline to consider a complaint that is vexatious, frivolous or not supported by sufficient information to enable the complaint to be dealt with.

(19) A complaint may be withdrawn by the complainant at any time during the complaint resolution process.

(20) In these circumstances the University will close the complaint unless the complaint:

a. raises significant systemic issues that should be addressed;
b. is considered serious enough for an investigation to continue; or
c. should be referred to an external agency such as the police if the matter relates to a serious indictable offence under the Crimes Act 1900 Sect 316 or due to the responsibilities under the Children and Young Persons (Care and Protection) Act 1998.

Section 3 - Procedures

(21) Refer to the Complaints Resolution Procedure for Students and Members of the Public.

Section 4 - Guidelines

(22) Nil.

Section 5 - Definitions

(23) The following definitions apply for the purpose of this Policy and its associated Procedures:

a. Complaint – means a statement of dissatisfaction made by a student or a member of the public regarding an experience they have had under the direct control of the University where a response or resolution is explicitly or implicitly expected or legally required;
b. Complainant – means the person who has lodged the complaint;
c. Frivolous complaint – means a formal complaint that is lacking in any substance or merit. Frivolous complaints do not imply an improper motive on behalf of the complainant, but concern matters that a reasonable person in the circumstances would not have raised as a formal complaint (e.g., a single instance of noise in a library quiet space);
d. University activity/ies – means activities both on and offshore undertaken by staff, students or third parties on behalf of the University which are within the management and control of the University; and
e. Vexatious complaint – means a complaint that concerns matters which have been previously dealt with or makes false, inflammatory, irrational or unjustified statements as the basis of the complaint or is a demand that the University undertakes its processes in a manner directed by the complainant or is one of multiple complaints raising the same or substantially the same issue or is rude, threatening or intimidating.
f. Prospective Students are applicants who are, at the time of the complaint, engaging in the admissions process

at Macquarie University.

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Responsible Executive	Rorden Wilkinson Deputy Vice-Chancellor (Academic)
Responsible Officer	Leanne Piggott Pro Vice-Chancellor (Dean of Students)
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