Complaints Resolution Procedure for Students and Members of the Public

Section 1 - Purpose

(1) This Procedure supports the Complaints Resolution Policy for Students and Members of the Public by setting out the University's processes for managing and resolving complaints by current, prospective and former students and members of the public.

Scope

(2) Refer to the Complaints Resolution Policy for Students and Members of the Public.

Section 2 - Policy

(3) Refer to the Complaints Resolution Policy for Students and Members of the Public.

Section 3 - Procedures

(4) Complaints are managed in accordance with a four-level approach to resolution as set out in the Complaints Resolution Policy for Students and Members of the Public and described in this Procedure 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.

(5) Not all matters are suitable for Level 1 resolution. Where any of the parties believes that the matter may be serious and/or complex or otherwise unsuitable for informal resolution, they should contact the Complaints, Appeals and Misconduct Unit as soon as practicable for advice.

(6) All serious and/or complex matters should be resolved under Level 2. These include matters:

a. that involve an offence under the law;
b. where the University is obliged by legislation to take action (eg discrimination, sexual harassment and sexual assault, vilification, bullying, victimisation); or
c. that are otherwise considered to present a significant risk to the University and/or its members.

(7) Complainants and respondents who are current students of the University have the right to access support, assistance and advocacy from the University at any stage during the complaint resolution process.

(8) All complainants and respondents have the right to have a support person with them (other than a practicing legal practitioner) at any discussions or meetings.

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(9) Where complaints involve sexual assault or sexual harassment, complainants are encouraged to discuss these matters with Student Wellbeing in the first instance. This is in order to offer the complainant immediate support, help clarify the allegations being raised, and discuss options available to address the matter, including lodging a formal complaint. Student Wellbeing can be contacted through the Personal Support webpage.

(10) Complaints will be managed to ensure appropriate confidentiality as specified in the Complaints Resolution Policy for Students and Members of the Public.

(11) All actions taken as required by this procedure and decisions made as part of the complaint resolution process will be recorded in accordance with the Records and Information Management Policy and communicated in writing to all affected parties.

Withdrawal of complaints

(12) A complaint may be withdrawn by the complainant at any time during the complaint resolution process. In these circumstances the University will close the complaint unless:

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

Level 1 – Informal complaint resolution

(13) Where a complainant raises a concern informally, the staff member who receives the complaint:

a. should endeavour to resolve the concern to the satisfaction of all parties if possible; or
b. may escalate the complaint as appropriate.

(14) Actions taken by staff members to resolve complaints informally may include:

a. informal discussions and clarification of any relevant University policies, procedures, decisions or conduct including consultation with and/or referral to another member of staff who is responsible for a relevant operational area;
b. facilitation of an informal discussion with the complainant, respondent and a senior member of staff;
c. facilitation of a meeting led by a senior member of staff between the complainant and the relevant staff members and/or another relevant persons);
d. provision of information about or referral to Student Advocacy and/or University Support Services.

(15) The staff member will provide the complainant with advice in writing in a timely manner about what action is being taken to resolve the complaint.

(16) If the concern cannot be resolved to the complainant's satisfaction informally, a formal complaint can be lodged at Level 2.

Level 2 – Formal complaint resolution

(17) A complainant may lodge a formal complaint using:

a. the Feedback and Complaints form;
b. email: complaints@mq.edu.au; or

c. Telephone: 9850 4300;

when the complainant feels unsafe or uncomfortable to attempt to resolve the matter directly with the person or area concerned; or

the matter has not been resolved to the complainant's satisfaction through an informal resolution process.

(18) Formal complaints should be lodged no later than twelve (12) months after the last incident leading to the complaint occurred.

(19) A complaint lodged after twelve (12) months will only be investigated where the Manager, Complaints, Appeals and Discipline is satisfied that:

a. it relates to a serious matter; or
b. circumstances outside the complainant's control prevented them from lodging the complaint within the deadline; and
c. it is still practicable for the University to investigate the complaint.

(20) Complainants seeking to resolve a complaint through the formal complaint resolution process will be asked to provide:

a. their name and contact details (if they choose not to make an anonymous report);
b. the nature and basis for the complaint, including relevant supporting material;
c. informal resolution efforts made by them to date (if applicable);
d. details of why they are not satisfied with the efforts or outcome(s) to date; and
e. the desired outcome(s) sought.

(21) Complainants may lodge a complaint as a group, but the person lodging the complaint must provide evidence of consent by all complainants named, together with their contact details.

(22) When a formal complaint is lodged, a preliminary assessment is undertaken by the Complaints, Appeals and Misconduct Unit.

(23) The Complaints, Appeals and Misconduct Unit will:

a. issue an acknowledgement by email upon receipt of the complaint;
b. if appropriate, appoint a decision-maker to resolve the complaint;
c. notify a complainant when a decision-maker is appointed, including the contact details for the person handling the complaint; and
d. notify a complainant when a complaint is referred to another process of the University for resolution (e.g. student conduct or staff misconduct processes), including the contact details for the area responsible for processing the matter.

(24) Assessment of complaints will commence no later than five (5) University business days after the complaint is received. The preliminary assessment process includes:

a. assessing the nature and grounds of the issues, determining whether Level 1 avenue of complaint resolution processes have been exhausted;
b. ensuring that complaints relating to an allegation of sexual harassment or sexual assault are handled in line with the Gender-based Violence Prevention and Response Policy and Gender-based Violence Investigation Procedure;
c. ensuring that the complaint does not duplicate or substantially overlap with any action underway on the same

matter;

d. prioritising the complaint for action based on the severity and complexity of the complaint;
e. determining the appropriate method for resolving the complaint, which may include internal enquiries or investigation, or referral for external investigation or mediation;
f. facilitating engagement of an appropriate internal investigator or external investigator or mediator.

(25) Complainants will receive notification by email of either the outcome or the proposed next steps for their complaint within twenty (20) University business days after the complaint is received.

(26) In resolving the complaint, the Complaints, Appeals and Misconduct Unit or other decision maker may:

a. contact the student and any other party/parties to a complaint in order to gather information;
b. where informal resolution has not been attempted, discuss with the student whether this is appropriate or feasible and seek to clarify information relevant to the matter;
c. provide the student with further information on the complaint process and next steps;
d. refer the matter to another appropriate University process where it is not in scope for this Procedure;
e. dismiss the complaint if it is frivolous;
f. dismiss the complaint if it represents an abuse of process;
g. dismiss the complaint where the matter arose more than twelve (12) months before the complaint was lodged; or
h. dismiss the complaint if it is vexatious.

(27) A formal complaint at Level 2 will be found, by the Manager, Complaints Appeals and Discipline to be either:

a. substantiated;
b. substantiated in part; or
c. not substantiated.

(28) A determination that the complaint is substantiated wholly or in part may lead to a range of outcomes, including:

a. rectification of administrative or academic error;
b. implementation of agreed solution;
c. a direction of no contact by any means or for any reason;
d. intervention by a senior staff member where an issue can be resolved under their delegated authority;
e. referral to another University process (eg.; misconduct); and/or
f. provision of relevant information arising from the complaint as feedback to the Faculty / Portfolio area.

(29) The decision and the reasons for it will be provided to all parties involved as soon as practicable but no longer than five (5) University business days after the decision is made.

(30) Information relating to the internal review process will also be provided to complainants.

Level 3 – Internal review

(31) Complainants may request an internal review of the final determination made in relation to a formal complaint at Level 2 on one or more of the following grounds:

a. a breach of procedural fairness has occurred;
b. a breach in relation to authority to act has occurred;

c. substantial new evidence relating to the original complaint is available that was not reasonably available to the investigator at the time that the disputed finding was reached.

(32) A request for internal review of a formal complaint must be lodged by a complainant or a person who is the subject of a complaint with the Deputy Vice-Chancellor (Academic) or nominee in writing no later than twenty (20) University business days after being notified of the outcome of the formal complaint resolution process under Level 2.

(33) In exceptional circumstances, requests for review may be lodged on a complainant's behalf by Student Advocacy or another staff member. Requests lodged by external third parties (e.g legal representatives or parents) will not be accepted except for parents lodging requests for Under18s.

(34) The Deputy Vice-Chancellor (Academic) or nominee will determine whether the grounds for internal review are met. If so, the matter will be managed in accordance with the procedures outlined in Level 2 by a different decision-maker.

(35) Complainants will receive notification in writing if there are grounds for an internal review within ten (10) University business days after the request for internal review is received.

Level 4 – External review

(36) A complainant may, at any stage, refer their complaint to an external agency. Where this occurs, the University may decide to suspend or cease any internal process pending external investigation.

(37) If a complainant is dissatisfied with the outcome of their complaint, or the way it has been handled by the University, the complainant may consult external agencies to address the complaint. External agencies to which a matter may be referred include:

a. Australian Human Rights Commission;
b. National Student Ombudsman;
c. Anti-Discrimination Board of NSW;
d. NSW Ombudsman;
e. Audit Office of NSW;
f. NSW Independent Commission Against Corruption; and
g. Information and Privacy Commission NSW.

Section 4 - Guidelines

(38) Nil.

Section 5 - Definitions

(39) Definitions specific to this Procedure are listed in the Complaints Resolution Policy for Students and Members of the Public.

Status and Details

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Effective Date	20th June 2025
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Responsible Executive	Rorden Wilkinson Deputy Vice-Chancellor (Academic)
Responsible Officer	Leanne Piggott Pro Vice-Chancellor (Dean of Students)
Enquiries Contact	Pearl Rozenberg Director, Student Integrity and Compliance

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