

Complaints Procedures

1. POLICY/LEGISLATION/ENTERPRISE AGREEMENT SUPPORTED

[Code of Conduct](#)

2. IMPLEMENTATION PRINCIPLES

- 2.1. Curtin University will provide a complaint reporting and resolution process that supports the resolution of complaints at the most appropriate level and at the earliest opportunity.
- 2.2. Curtin University will provide a complaint reporting and resolution process that aligns with the University's Values, in particular, striving for excellence through continuous improvement by identifying and reducing the potential and opportunity for complaint matters to be repeated.

3. PROCEDURAL DETAILS

3.1. Lodging a complaint

- 3.1.1. Any person may lodge a complaint about matters arising from the operations of the University.
 - 3.1.1.1 Complainants are encouraged, in the first instance, to seek resolution of their complaint directly with the University officer(s) responsible for the decision, act or omission which forms the basis for their complaint (e.g. through discussion, meetings), if they believe it is appropriate to do so and they are able, willing and feel confident in approaching the person(s).
 - 3.1.1.2 At any point, a complainant may lodge their complaint with the University via the online [Complaints Portal](#), which is the preferred method of contact. Alternatively, complaints may be lodged with the Integrity and Standards Unit (ISU) in person, via post or by email to complaints@curtin.edu.au; in these cases, the ISU will register the complaint in the Complaints Portal on behalf of the complainant. For people with a disability, the ISU provides various [accessibility options](#) to assist in the lodgement process. In all cases, the ISU will process the complaint in accordance with these procedures.
- 3.1.2. Although a University officer may be named in a complaint, a complaint made in accordance with these procedures is a complaint about the University.
- 3.1.3. A complaint will be actioned in the form in which it is received. It cannot have any personal information modified or removed to protect the identity of the complainant.
- 3.1.4. Upon lodgement with the ISU, the complaint will be promptly directed to the line manager who the ISU considers is best placed to handle the complaint.
- 3.1.5. If the subject matter of a complaint is brought to the attention of or is dealt with by a line manager without it first being lodged with the ISU, the line manager will, as soon as is practicable, lodge that complaint via the online [Complaints Portal](#).

3.2. Timelines in lodging a complaint

- 3.2.1. A person must take all reasonable steps to register their complaint concerning a particular decision, act or omission of the University, with the University (per section 3.1) within 12 months of its occurrence.
- 3.2.2. Time limits for lodging a complaint do not apply where there is an obligation placed on the University to report or deal with the subject matter of the complaint once it becomes aware of it.
- 3.2.3. In all other cases, complaints made outside of the above referred period may be accepted by the ISU provided a compelling case is provided by the complainant as to the magnitude of the complaint and the reason for the delay.
- 3.2.4. The ISU will notify the complainant in writing of its decision to accept or not accept a complaint outside of the above referred period.

3.3. Resolving a complaint

- 3.3.1. The line manager and any other person involved in investigating or responding to a complaint will do so on behalf of the University.
- 3.3.2. Once in receipt of the complaint, if the line manager is of the view that:
 - (a) they are not the most appropriate person to handle the complaint; or
 - (b) by dealing with the subject matter of the complaint or the other parties to the complaint they would be in breach of the [Conflict of Interest Procedures](#), they must not engage any further in the process and;
they should advise the ISU of the situation and request that the matter be delegated to their line manager.
- 3.3.3. A line manager will, within five working days of being made aware of a complaint (via an ISU complaint notification or through other means), contact the complainant to acknowledge receipt of and ownership for resolving the complaint.
- 3.3.4. In order to determine the actions to be taken in resolving the complaint, the line manager must carefully consider the subject matter of the complaint. To this end, the line manager should refer to the [Line Manager Guidelines – how to effectively deal with complaints](#), for guidance.
- 3.3.5. The line manager will, within ten working days of being made aware of a complaint (via an ISU complaint notification or through other means) commence addressing the complaint. For international student complainants in particular, this is a mandatory requirement under the National Code of the *Education Services for Overseas Students (ESOS) Act 2000 (Cth)*.
- 3.3.6. The line manager will give due consideration to the guidance provided in the [Line Manager Guidelines – how to effectively deal with complaints](#) in coming to an informed decision on the merits of the complaint and the most appropriate course of action, as soon as is practicable. As someone who is acting on behalf of the University, such a decision will be made to the satisfaction of the University.
- 3.3.7. The line manager will consider and manage the wider effects that a complaint may have on the workplace beyond its resolution.
- 3.3.8. Once the line manager has made a decision in relation to the complaint, the line manager will formally:
 - (a) notify the complainant of the steps taken to address the complaint, the outcome of the complaint and the reasons for the outcome, and will disclose as much information about the complaint's resolution as the privacy and confidentiality of affected parties permit; and
 - (b) advise the ISU of the complaint's closure, providing all relevant supporting documentation associated with the complaint's resolution including a completed [Complaint Handling Checklist](#).

3.4. Complaints to external bodies

- 3.4.1. A person may make a complaint to an appropriate independent external body or tribunal at any time. A full list of these agencies and their contact details is available on the following [ISU webpage – How to make a complaint](#).
- 3.4.2. The University may choose to suspend addressing a complaint until the external body or tribunal rules on the complaint, or the external complaint is directed back to the University for resolution.
- 3.4.3. The University recognises that there may be situations where the complainant is:
 - (a) not satisfied with the outcome reached in relation to their complaint; and
 - (b) of the view that their complaint has not been handled properly or fairly in accordance with these procedures.

In such cases, the complainant has a right to raise a new complaint, identifying where the University's processes have not been complied with. The complainant can also refer the University's handling of their complaint to an appropriate independent external body or tribunal such as the WA Ombudsman.

- 3.4.4. Where requested, the ISU will advise the complainant in relation to these agencies and their roles.

3.5. Unacceptable and unreasonable conduct by complainants

- 3.5.1. Complainants are personally responsible and liable for the content of their complaints.
- 3.5.2. Complainants must not provide information that they know to be inaccurate or misleading. Doing so may result in disciplinary action or, in extreme circumstances, be reported to the appropriate external regulatory body or the police.
- 3.5.3. If a line manager believes a complainant is exhibiting unreasonable behaviour, they will contact the ISU for advice in the first instance. Unreasonable conduct by complainants may include:
- aggressive, rude or threatening behaviour, including the use of offensive or abusive language in communications;
 - insisting on unreasonable or unattainable outcomes;
 - issuing instructions and making demands about how a complaint should be managed;
 - withholding information, misquoting others or selectively disclosing information, including making serious allegations, then declining to provide further information or evidence about the allegations;
 - changing the substance of an existing complaint or re-phrasing allegations while the complaint is being managed;
 - refusing to provide further clarification of issues raised upon request, particularly where large amounts of information are presented as part of the complaint; or
 - repeatedly emailing or calling the University despite being advised not to do so because the subject matter of their complaint is currently being dealt with or has already been dealt with and resolved.
- 3.5.4. The University may restrict access to its complaints service for complainants who act unreasonably.
- 3.5.5. The Vice-Chancellor will inform the complainant in writing that they have deemed the complainant's conduct to be unreasonable and the University will therefore not be processing it further.

3.6. Protecting parties to a complaint

- 3.6.1. It is a breach of this procedure to threaten, intimidate, harass or victimise any party who makes, assists in or is responsible for the resolution of, or is the subject of, a complaint. Any such behaviour may result in individuals being subject to disciplinary action or, in extreme circumstances, reported to the appropriate external regulatory body or the police.
- 3.6.2. The University acknowledges that a complaint that appears to lack plausibility, or after investigation is not substantiated, is not necessarily false. A complaint that is not upheld does not imply the complaint was not made in good faith and that an avenue is automatically created for the respondent, the University or anyone else to take reprisal action against the complainant; however, this does not preclude any individual from lodging a legitimate complaint against another individual at any other time.
- 3.6.3. The University recognises the power imbalance, in particular, between students and staff, and between staff and their line manager, which may provide opportunities for reprisals to be taken against complainants in ways that may be difficult to expose. In such cases, the University may take steps to prevent disadvantage to a complainant as a result of them making a complaint in good faith. These necessary steps may include, among other things, temporarily physically relocating an individual, changing reporting lines, or assigning a different academic lecturer or supervisor to a student.

3.7. Anonymous complaints

- 3.7.1. An anonymous complaint will be addressed in accordance with these procedures, with the exception that there is no requirement to identify or notify the complainant.

- 3.7.2. Action taken in relation to anonymous complaints may be limited where further information from the complainant is required to sufficiently investigate and determine an appropriate resolution.

3.8. Public Interest Disclosures

- 3.8.1. Where a person expresses a desire to lodge a complaint as a protected disclosure under the Public Interest disclosure (PID) Act, the person must first seek advice from the University's PID Officer who will, on request, provide information on how to make such a disclosure.
- 3.8.2. Public Interest Disclosures (PIDs) are lodged and managed outside of these procedures (refer to the following [ISU webpage - Public Interest Disclosures \(PIDs\)](#)).

4. RESPONSIBILITIES

Responsibilities are as set out in section 3.

5. SCOPE OF PROCEDURES

These procedures apply to the University Community.

These procedures do not apply to the following situations:

- Appeals by students (in relation to student admission, enrolment, assessment, academic status or credit decisions);
- Misconduct by students (involving academic record fraud, academic misconduct or general misconduct);
- Complaints involving the Student Guild; and
- Protected disclosures under the PID Act.

6. DEFINITIONS

(Note: Commonly defined terms are located in the [Curtin Common Definitions](#). Any defined terms below are specific to this document)

Complaint

An expression of dissatisfaction with Curtin policies, procedures, decisions, omissions, quality of service or staff behaviour where a response or resolution is explicitly or implicitly expected.

Complainant

A person who has made a complaint.

Resolution

The determination which is achieved when the decision maker has acted in accordance with University expectations in addressing a complaint.

Respondent

The person responsible for a decision, act or omission about which a complaint is made.

7. SCHEDULES

Nil

8. RELATED DOCUMENTS/LINKS/FORMS

[Complaints Portal](#)

[Curtin Values](#)

[Code of Conduct](#)

[Line Manager Guidelines – How to effectively deal with complaints](#)

[Complaint Handling Checklist](#)

[Conflict of Interest Procedures](#)

[ISU webpage – Advice and Assistance \(Accessibility Options\)](#)

[ISU webpage - Public Interest Disclosures \(PIDs\)](#)

[ISU webpage - How to make a complaint](#)

Policy Compliance Officer	Charlie Bertilone , Director, Integrity and Standards Unit
Policy Manager	Chief Operating Officer
Approval Authority	Chief Operating Officer
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REVISION HISTORY

Version	Approved/ Amended/ Rescinded	Date	Committee / Board / Executive Manager	Approval / Resolution Number	Key Changes and Notes
New	Approved	22/06/2012	Vice President, Corporate Relations and Development	EM1209	Conditional upon PMC approving the Complaints Policy at its 26 June 2012 meeting, effective 26 June 2012
	Administratively Updated	02/09/2014	A/Director, Legal and Compliance Services		Department name change, Professional Standards and Conduct Unit changed to Integrity and Standards Unit
	Administratively Updated	08/12/2014	A/Director, Legal and Compliance Services		Minor Changes
	Amended	07/05/2015	Vice President, Corporate Relations and Development	EM1505	Unconditional
	Administratively Updated	06/10/2015	Director, Legal and Compliance Services	EC 76/15	Executive Manager Title Changes
	Amended	13/10/2015	Vice President, Corporate Relations	EM1516	Unconditional
	Administratively Updated	25/01/2017	Director, Legal and Compliance Services		Approval Authority updated