

NON-ACADEMIC COMPLAINT MANAGEMENT POLICY

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Supporting Documents, Procedures & Forms:	Privacy Policy Record Matrix		
References & Legislation:	Higher Education Support Act 2003 (Cth) (AUS) Higher Education Standards Framework (Threshold Standards) 2015 (Cth) (AUS) Standards for Licensure and Accreditation 2011 (UAE)		

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1 Purpose

- 1.1 This Policy sets out the University of Wollongong in Dubai's (UOWD) general approach to managing and resolving complaints.
- 1.2 The Policy is designed to:
- a. Instil confidence in complainants by having transparent administrative processes for complaints management;
 - b. Provide information that can be used to help deliver quality improvements in our services, systems, practice and procedures; and
 - c. Promote timely, consistent and efficient responses to all complaints.

2 Scope

- 2.1 This Policy applies to students and community members who have a complaint about the action or inaction of the University, its staff or students.
- 2.2 This Policy applies to complaints related to all University staff, all students, and to activities that are:
- a. Undertaken at the UOWD campus; and
 - b. Elsewhere, where a staff member or student represents the University.
- 2.3 This Policy does not apply where there are separate complaint management processes, including:
- a. Staff Grievances;
 - b. Academic Grievances;
 - c. Privacy Complaints; and
 - d. Student Conduct.

3 Definitions

Word/Term	Definition
Alternative Dispute Resolution Strategy	Mediation, conciliation, joint counselling or any other form of facilitated dispute resolution process designed to allow the complainant and the respondent to reach a mutual understanding on the issues in dispute and on strategies to resolve the complaint.
Appeal	A review of a case or matter by a higher authority.
Behaviour	The manner in which a person acts or conducts them self towards other persons.
Bullying	Any unfair or unreasonable behaviour by an individual or group that belittles, scares, intimidates or offends to the extent that it could put someone's health, safety or welfare at risk, including their psychological or emotional health, noting that all violent behaviour which is not self-defence is regarded as unacceptable.
Complaint	An expression of dissatisfaction made to UOWD about us, our services, products and or complaint handling where a response or resolution is explicitly or implicitly or legally required.
Complainant	A student, staff member or community member who has lodged a complaint.
Community member	Any member of the public who is not employed by the University of Wollongong in Dubai
Complaint Handler	A person with delegated authority to review the complaint.

Confidentiality	The obligation to refrain from disclosure of information related to a matter the subject of a complaint to any person other than those involved in the complaints process to whom disclosure is authorised.
Conflict of interest	Exists where there is a divergence between the individual interests of a staff member or affiliates and their professional obligation to the University, such that an independent observer might reasonably question whether the professional actions or decisions of that staff member are influenced by their own interests or are for their own benefit.
Dispute	A disagreement or argument.
Discrimination	Is when someone is treated unfairly because of their age, sex, race, career's responsibility, disability, homosexuality, marital status, HIV/AIDS or Transgender status compared to someone else who does not have those characteristics, in the same or similar circumstances.
External Investigation	An enquiry or enquiries conducted by an independent third party regarding a specific matter.
Feedback	Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly to us or about us, about our services, products and/ or complaint handling where a response is not explicitly or implicitly expected or legally required.
Grievance	Dissatisfaction about the conduct of an individual that is seen as producing an injustice or some wrong or offence that is grounds for action by the person with the grievance. Grievances are a subset of complaints.
Harassment	Unwelcome behaviour that makes a person feel belittled, intimidated, offended or apprehensive, and that a reasonable person, taking into account all the circumstances, would expect to cause offence, intimidation or apprehension.
Misconduct	A complaint potentially regarded as falling under the scope of disciplinary procedures under the student misconduct policy, the relevant staff misconduct procedures or the staff member's employment agreement.
Respondent	A person whose action or behaviour is the subject of a complaint.
Staff	All persons appointed by the University as academic or general staff regardless of their level of seniority and regardless of whether holding full-time, part-time, casual, or limited-term appointments.
Student	A person registered for a course or undertaking non-award study at the University
Support Person	A person, other than a legal representative, who provides support to a complainant or a respondent during the course of the consideration of a complaint and any subsequent review or appeal process.
Unlawful	An action in relation to matters prohibited by law
Unreasonable Complaint Conduct	Behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the parties to a complaint.
Vexatious	An action or the action of a person that is brought forward without sufficient grounds primarily to cause annoyance or harm to another person or persons
Victimisation	Any retaliatory action towards a complainant, witness or any other person involved in the resolution of a complaint.

4 Policy Principles

- 4.1 UOWD supports a process where complaints of all types are resolved as close as possible to the source unless it is not practical or appropriate to do so.
- 4.2 UOWD encourages the use of an Alternative Dispute Resolution (ADR) strategy in preference to formal complaints processes where it is appropriate and where the parties to the complaint support such an approach. These alternatives include mediation,

conciliation and other forms of facilitated negotiation designed to seek a mutually acceptable resolution to the complaint.

- 4.3 When complaints cannot be resolved using an Alternative Dispute Resolution (ADR) strategy the recipient of the complaint is responsible for directing the complainant to the formal complaints process.
- 4.4 The following principles must be adhered to when dealing with a complaint:
- a. Complaints must be handled within an appropriate time frame having due regard to procedural fairness and to the specific requirements of different policy or procedures for managing such complaints (if any);
 - b. All parties involved in a complaint must be treated with respect and impartiality, and any relevant issues put forward by the complainant, such as the existence of a disability or medical condition, will be taken into consideration;
 - c. All parties involved should approach proceedings with a genuine desire to resolve the complaint in good faith;
 - d. Individuals must not victimise or harass other parties involved in the matter;
 - e. Confidentiality must be observed by all participants and at all stages of the complaints process;
 - f. All parties must be informed of the progress, the outcome of the complaint and provided with reasons for the outcome reached. This will be done subject to the University's obligations under privacy legislation;
 - g. Complaints from anonymous sources must be considered but the anonymity of the complainant should be recognised as a potential hindrance to the effective examination of a complaint.
- 4.5 The University is committed to the principles of continuous improvement and monitors complaints to identify trends that may require proactive measures to minimise or eradicate subsequent complaints.

5 Procedural Fairness and Natural Justice

- 5.1 UOWD recognises that anyone who studies, works, or comes into contact with the University:
- a. Can raise any complaint related to unfair treatment, discrimination, harassment, vilification, bullying and any other such issues;
 - b. Will have the complaint dealt with confidentially, fairly, effectively, and within an appropriate timeframe; and
 - c. Can use a support person throughout the complaint process.
- 5.2 Complaint handlers must observe the rules of natural justice in any action taken in relation to a complaint. This includes:
- a. Ensuring all parties are aware of the procedure being followed and providing them with copies of relevant policy documents;
 - b. Explaining to the complainant that the requirements of procedural fairness mean that their identity will normally be disclosed to the respondent (except where it is not appropriate or not lawful to do so);
 - c. Informing the respondent of any allegation made against them;
 - d. Providing the respondent with the opportunity to respond;

- e. Conducting a factual investigation of the complaint, interviewing all parties the complaint handler considers to be relevant to the matter and considering all relevant information; and
 - f. Acting fairly, impartially and without bias.
- 5.3 The confidentiality of parties involved in a complaint will be respected, subject to the need to fully investigate the matter and any legal or operational requirements for disclosure.

6 Requirement of Confidentiality and Privacy

- 6.1 Maintaining confidentiality gives all parties confidence in the process, minimises the disruption caused by gossip and rumour, can prevent escalation of the situation.
- 6.2 Complaint handlers must advise all parties of their responsibilities in relation to confidentiality. Those obligations include:
- a. Complaints should only be discussed directly with complaint handlers, or appropriate support person, and with medical practitioners or counsellors who are bound by professional obligations of confidentiality; and,
 - b. Complaint handlers should obtain the consent of the complainant before disclosing their identity to others, with the exception of the respondent, unless UOWD's duty of care or other obligations may be compromised if disclosure is not made.
- 6.3 UOWD may use information provided during the investigation process to seek advice from specialist units. All efforts will be made to withhold personal information where possible however this cannot be guaranteed.

7 Conflict of Interest

- 7.1 Where there is an actual conflict of interest or a perceived conflict of interest on the part of a complaint handler, the complaint handler should refer the matter to an alternate person or to the next level of management to deal with the complaint.

8 Alternate Dispute Resolution

- 8.1 Alternative Dispute Resolution (ADR) strategies may consist of mediation, conciliation, joint counselling or any other form of facilitated dispute resolution process designed to allow the complainant and the respondent to reach a mutual understanding.
- 8.2 Parties to a complaint may agree to participate in ADR in an attempt to resolve the complaint.
- 8.3 All parties are entitled to bring a support person to mediation or conciliation.
- 8.4 It is appropriate to use an ADR strategy when:
- a. Both parties agree to do so;
 - b. There is some common ground;
 - c. There is a desire to resolve issues;
 - d. Facts are not the overriding issue;
 - e. An ongoing relationship between the complainant and the respondent is necessary or highly desirable.
- 8.5 Any such ADR will be conducted without prejudice to enable both parties to openly discuss the complaint. This means that any information disclosed during the mediation or conciliation must be kept confidential.

9 General Complaint Handling Process

9. **Submitting a Complaint** The Office of Institutional Research will act as a central point for the lodgement of complaints which then may be referred to the appropriate unit for review and response.
- 9.2. Members of the community are required to submit a formal complaint which will be managed by the Office of Institutional Research.
 - 9.3. Anonymous complaints will be investigated at the discretion of the University.
 - 9.4. A complainant may withdraw their complaint at any stage of the complaints process. Any withdrawal must be made in writing. In most circumstances, the University will deem the complaint resolved, however the University may determine the complaint serious enough for an investigation to continue or refer to an external agency
 - 9.5. Complaints at the University of Wollongong in Dubai can be made and will be accepted via the following avenues:
 - a. [Online Feedback Form](#);
 - b. Email: comments@uowdubai.ac.ae; or
 - c. In Person.

Assessment of Complaints

- 9.6. A person with appropriate responsibility for the matters that form the subject of the complaint should assess the complaint and, if the matter has substance, should undertake necessary enquiries to determine the facts of the matter.

Unreasonable Complainant Conduct (UCC)

- 9.7. Where a complainant's behaviour is deemed to be 'unreasonable' by UOWD a decision to have no further contact with a complainant will be made if it appears that the complainant is unlikely to modify their conduct and/or their conduct poses a significant risk for UOWD staff and other parties because it involves one or more of the following types of conduct:
- a. Unreasonable persistence, which may be defined as being those complainants who because of the frequency or nature of their contact impact on UOWD staff or require a disproportionate level of resource;
 - b. Unreasonable demands, which may involve the complainant requesting regular and/or lengthy phone calls when it is not warranted;
 - c. Acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking, assault;
 - d. Damages to property while on our premises;
 - e. Threats with a weapon or common office items that be used to harm another person or themselves;
 - f. Physically preventing a staff member from moving around freely either within their office or during an off-site visit;
 - g. Conduct is otherwise unlawful.
- 9.8. Where a complaint is considered vexatious or lacks substance UOWD will not proceed beyond preliminary investigation.

Determination of Complaints

- 9.9. UOWD will actively communicate its progress to the complainant, particularly where progress has been delayed:
- 9.10 The complainant must be informed of the progress, the outcome of the complaint and provided with reasons for the outcome reached. This will be done subject to UOWD's obligations under the applicable privacy policies. Following consideration of the complaint and any investigation into the issues raised the complaint handler will advise the complainant of:
- a. The outcome of the complaint and any action that was taken arising out of the complaint;
 - b. The reasons for any decisions that have been made;
 - c. Any remedy or resolution that has been offered; and
 - d. Options for review or appeal.
- 9.11 For more serious complaints, as determined by the University an external investigation may be initiated by the UOWD Executive Committee.
- a. Investigators must make findings of fact and may make recommendations for resolving complaints.
 - b. Investigators must give the University written response for their findings of fact and (if relevant) their recommendations.
- 9.12 Subject to any statutory requirements to the contrary, the University has the discretion to decline to pursue a complaint where:
- a. The complaint is made more than one year after the matters giving rise to the complaint occurred, unless the complaint is deemed to be of a serious nature and/or discloses possible unlawful conduct;
 - b. The complaint has already been reviewed and resolved;
 - c. The complainant is deemed to be unreasonable;
 - d. The complaint lacks substance; or
 - e. The complaint is frivolous or vexatious in nature or not made in good faith.

Appeal

- 9.13 A complainant whose complaint is not upheld or a respondent who is dissatisfied with the outcome of the complaint has the opportunity to appeal against the decision as provided in this section.
- 9.14 Appeal options should be clearly communicated to the complainant at the time of notification of the outcome of the complaint.
- 9.15 Appeals should be lodged no later than two (2) weeks after notification of the outcome of the complaint.
- 9.16 Appeals will only be considered on the basis of:
- a. The decision is not supported by the available evidence;
 - b. New and compelling information related to the complaint;
 - c. Lack of procedural fairness.
- 9.17 The appeal will be considered by the UOWD Appeals Committee.
- 9.18 The Appeals Committee should examine the appeal, any relevant supporting or surrounding information and should conduct any further enquiries on the matter before

advising the complainant of the outcome of the appeal, and the reasons for this outcome.

10 Reporting and Analysis of Complaints

10.1 UOWD will ensure complaints are recorded in a systematic way so that the University can use the information for reporting and analysis.

10.2 The Office of Institutional Research will regularly report to the President and Executive:

- a. The number of complaints received; and
- b. Issues arising from complaints.

10.3 Regular analysis of these reports will be undertaken to monitor trends, measure the quality of service and make improvements.

11 Record Keeping

All records and documents created in the course of handling a complaint should be retained in accordance with the UOWD Record Matrixes.

12 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	04 July 2017	Executive Committee.	First version of policy document