

# Student Complaints Policy

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## 1. Purpose

This policy outlines the key principles that will be applied by Flinders University in receiving and resolving complaints from its students.

## 2. Scope

- a. This policy applies to all students of the University.
- b. A complaint brought under this policy may relate to:
  - i. the performance of administrative, academic, teaching, higher degree by research, or service functions of the University
  - ii. any third party involved in the delivery of services on behalf of the University, if the complaint is in regards to the delivery of those services
  - iii. the behaviour or actions of a staff member or another student of the University (particularly as prescribed under the [Equal Opportunity Policy](#), [Bullying Prevention and Management Policy](#) and the [Sexual Harassment and Sexual Assault Prevention and Response Policy](#)), or
  - iv. any third party as regards involvement in University activities (for example, intimidation or harassment potentially leading to self-censorship, contrary to the University's commitment to academic freedom and freedom of speech as outlined in the University's [Academic and Intellectual Freedom and Freedom of Speech Policy](#)).

## 3. Policy statement

### 3.1. General principles

- a. The University recognises its responsibility to provide an environment in which all students and staff are treated fairly and with respect. Thus, the University maintains an organisational culture in which a student's right to seek resolution of a complaint is recognised and supported.
- b. The University has a multi-step complaint, review and appeal resolution framework to provide students with appropriate opportunities to resolve their matter within the University. Refer to [Schedule A](#) for a description of this framework.
- c. Anonymous complaints may be made. However, the University may be constrained in how effectively it can investigate an anonymous complaint, and ongoing anonymity cannot be guaranteed if a matter is investigated.

- d. Students are encouraged to informally raise matters of concern at any time, without needing to proceed to a complaint, unless they wish to do so.

### 3.2. Complaint-handling principles

- a. **Good faith:** The complaints process assumes and relies upon all parties engaging in good faith, with an open approach to considering reasonable options.
- b. **Procedural fairness:** All complaints will be handled with due regard to procedural fairness.
- c. **Proximity:** Every reasonable effort will be made by the parties to the complaint and the decision-maker to resolve the complaint at the lowest level possible.
- d. **Timeliness:** All complaints will be addressed in a timely manner, in compliance with internal and external requirements.
- e. **Confidentiality and Privacy:**
- i. A complaint will be treated by all parties with appropriate confidentiality.
  - ii. Unless required otherwise by law, information arising in the course of a complaint will be shared only with the parties and other persons involved on a need-to-know basis.
  - iii. Information will only be used for the purpose of resolving the complaint in accordance with this Policy, with the provision that aggregated and de-identified data can be used to support the University's monitoring, reporting and continuous improvement processes.
- f. **No disadvantage:**
- i. A student making a complaint will not be disadvantaged simply because of having made the complaint. Where alternative study or class arrangements are necessary to act as an interim action or to resolve a complaint, any alternative arrangements will not act to disadvantage the student who made the complaint.
  - ii. In particular, the student will not be hindered from using University facilities and attending lectures, classes, laboratories and tutorials and to submit assessments, simply because they have made the complaint.
  - iii. Flinders will not tolerate victimisation in any form of:
    - a student who lodges a complaint
    - a person who provides information about a complaint matter, or
    - any other person involved in investigating or adjudicating the complaint.
  - iv. Disciplinary action will be taken against anyone who retaliates against or victimises a person as outlined above.
- g. **Vexatious and frivolous complaints:** The University reserves the right to take appropriate disciplinary action in the event of a complaint that is demonstrated to be vexatious. The University may also decline to consider a complaint that is frivolous.
- h. **Right to withdraw:** A student who makes a complaint generally has the right to withdraw it, but there will be instances where the University, for its own protection and the protection of others, must nonetheless continue to investigate a matter after the complaint has been withdrawn.
- i. **Support:** A student who makes a complaint or is the subject of a complaint has the right to have a support person with them at any discussions, meetings or hearings related to the complaint, and to access the support services provided by the University. A student may nominate their own support person, other than a practicing legal practitioner.

**j. Right to review and appeal:**

- i. A student who is dissatisfied with a complaint decision may request a review by an appropriate senior person who has had no previous involvement in the matter, as provided in the [Student Review and Appeal Policy](#), except where a complaint is referred to another process of the University (e.g. student conduct or staff misconduct matters).
- ii. A student may appeal the outcome of a review if they meet the grounds provided in the [Student Review and Appeal Policy](#).

**k. Recordkeeping and reporting:**

- i. Full and accurate records will be kept of all complaint, review and appeals matters, their investigation (if relevant) and their resolution.
- ii. Complaints data will be reported on in a regular and systematic manner.

- l. **Continuous improvement:** The University will make a record of, and follow up on, the causes of the complaint, and, where appropriate, put in place remediation to mitigate against a recurrence.

### 3.3. Complaint-handling approach

Student complaints will be managed in accordance with the [Student Complaints Procedures](#).

## 4. Definitions

<b>Frivolous complaints</b>	A frivolous complaint is a complaint that is lacking in any substance or merit. Frivolous complaints do not imply an improper motive on behalf of the student, but concern matters that a reasonable person in the circumstances would not have raised a formal complaint about (e.g. a single instance of noise in a library quiet space).
<b>Procedural fairness</b>	Specifically, this means: <ul style="list-style-type: none"> <li>• the right to be treated fairly</li> <li>• the right for an individual to be informed of allegations made against them</li> <li>• the right to respond</li> <li>• the right to an unbiased decision-maker</li> <li>• the right to not have irrelevant matters considered, and</li> <li>• the right to review or appeal.</li> </ul>
<b>Vexatious complaints</b>	A vexatious complaint is a complaint with no merit, which is specifically being pursued to harass, annoy or cause financial cost to the University or another person. It may include allegations of actions or behaviour that did not occur (e.g. alleged bullying by another person).

## 5. Legislation

This policy complies with the requirements of:

- Higher Education Standards Framework (Threshold Standards) 2015

- Education Services for Overseas Students Act 2000 (ESOS Act)
- National Code of Practice for Providers of Education and Training to Overseas Students 2018
- State Records Act 1997 (South Australia)

## 6. Supporting policies and procedures

Supporting policies and procedures are part of this policy and provide additional detail to give practical effect to the policy principles.

[Student Complaints Procedures](#)

[Student Review and Appeal Policy](#)

[Student Review and Appeal Procedures](#)

Related policies:

[Academic and Intellectual Freedom and Freedom of Speech Policy](#)

[Assessment Policy](#)

[Bullying Prevention and Management Policy](#)

[Disability Policy](#)

[Equal Opportunity Policy](#)

[Higher Degrees by Research Policy](#)

[Sexual Harassment and Sexual Assault Prevention and Response Policy](#)

[Work Integrated Learning Policy](#)

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\* Unless otherwise indicated, this policy or procedures still apply beyond the review date.

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