

# Procedure

- c) allegations about an individual's conduct or alleged breaches of UNSW's [Code of Conduct and Values](#), including ethical and integrity issues such as plagiarism, unethical or biased marking, conflicts of interest, fraud, dishonesty, improper favouritism, discrimination, bullying, harassment and gendered violence.

## 1.2 What is not considered a complaint?

General enquiries, requests for information or the provision of feedback will not usually be considered a complaint.

A complaint is distinct from a review of an action or decision, which follows a documented review process under the applicable procedure. Examples include the Enterprise Agreements (EAs) which **provide a dispute resolution process for staff for certain matters, and the Review of Results process for students.**

## 2. Guiding principles

The management of complaints at UNSW is underpinned by a set of guiding principles which are set out below.

### 2.1 Facilitating complaints

#### 2.1.1 Accessibility

The complaint process is easy to access and understand and all individuals feel safe and supported to raise their concerns. UNSW will do this by:

- a) providing information and support services to assist individuals to make a complaint
- b) ensuring readily accessible and easy to use methods to make a complaint
- c) providing support for those who need additional help in making a complaint. For example, those who may require a language interpreter to understand and participate or a person with a disability may need information provided in a specific format. UNSW may also communicate through a representative such as a family member, interpreter or legal representative if necessary, and with the relevant consents.

#### 2.2

- b) UNSW will assess and prioritise complaints in accordance with their seriousness and urgency. If there is an immediate risk to safety or security the response will be immediate and will be escalated appropriately.
- c) **Wherever** possible and appropriate, complaints will be resolved quickly and at a local level in order to reduce the likelihood of detrimentally impacting study and working relationships.

### 3. Declining complaints

There are circumstances where UNSW may not be able to accept or proceed with a complaint. These may include where the complaint:

- a) lacks sufficient information to allow a proper assessment and/or investigation to occur and UNSW has been unable to obtain sufficient information from the complainant or other sources
- b) relates to events that occurred outside of time limits specified in the applicable UNSW policy or procedure
- c) is vexatious or frivolous
- d) involves a complainant who is acting unreasonably, and/or failing to show complaint handling
- e)

6.

## 12. Supporting information

### 12.1 Legislative Compliance

This Policy supports the University's compliance with the following legislation:

- [University of New South Wales Act 1989](#) (NSW)
- [Crimes Act \(NSW\) 1900](#) (NSW)
- [Public Interest Disclosures Act, 2022](#) (NSW)
- [Ombudsman Act 1974 \(NSW\)](#)
- [Ombudsman Act 1989 \(ACT\)](#)
- [Independent Commission Against Corruption 198](#)

# Complaints Management and Investigations Procedure

## 1. Introduction

This Procedure supports the *Complaints Management and Investigation Policy* and should be read alongside it. It



See [Assessing the Seriousness of a Complaint](#) (link available to UNSW staff only) for further information and guidance on the tools to support the appropriate resolution of complaints depending on their seriousness and complexity.

#### 5.2.1 Where to raise a complaint



If the complaint is handled at the local level and is considered resolved or closed by the complaint handler, it will not be progressed to Formal Resolution. UNSW will not reconsider complaints that have been resolved elsewhere unless there are [procedural fairness](#) concerns or new compelling information.

Complainants should see Procedure s9 Internal Review process for procedural fairness concerns.

### **6.3 Complaints - Resolving more serious or more comp (centralised resolution)**

Where a complaint is more serious or complex in nature, it should be raised for formal resolution.

#### **6.1 University Formal Resolution**

When entering a formal complaint resolution process, the complainant is required to relinquish management of the complaint to the University and any action taken to handle the complaint is at the discretion of the University in accordance with relevant policies, procedures and the code.

## 6.2 Making a complaint

Complainants are encouraged to lodge their complaint using [CaseIQ](#). Where this is not possible complaints should be made in writing or complainants may contact the [Conduct and Integrity Office \(CIO\)](#) (for student or research complaints) or their [HRBP team](#) (for staff complaints) to arrange an alternative means of lodging their complaint.

Those who are unable to lodge a complaint personally may authorise another person to act on their behalf. Such an authorisation may be in writing, or in another manner approved by the University.

Complaints must:

- a)





- viii. the extent to which there is, or may have been, incorrect information on the public record, or the potential to have incorrect information on the public record
- ix. the extent to which the breach affects the soundness or reliability of the research
- x. the extent to which the behaviour is intentional, reckless, or negligent.

However, misconduct or serious misconduct does not include honest differences in judgement or unintentional errors (unless they result from behaviour that is reckless or negligent).

The complainant will be informed of the right to request a review of the investigation if they are directly affected by the outcome and depending on the circumstances of the case.

## 7. Specific provisions relating to certain types of complaints

Whilst UNSW uses a standard complaint handling process, there are some situations where requirements may differ depending on the nature of the complaint and who the complainant and respondent are.

### 7.1 Allegations of criminal conduct or other unlawful conduct

If a complaint involves alleged criminal conduct the University may notify the Police or other relevant government authority (e.g. Independent Commission Against Corruption) as required by law or considered appropriate by UNSW. UNSW may suspend any action or investigation under this Procedure pending external investigation in consultation with the relevant authority.

### 7.2 Public Interest Disclosures - complainants

If a complaint involves alleged corrupt conduct, maladministration, or a serious and substantial waste of public money it must be reported and managed under the [Public Interest Disclosure \(Whistleblowing\) Policy and Procedure](#).

### 7.3 Authorship disputes

If a matter relates to authorship of unpublished work, it will be managed in accordance with the [Research Authorship Publication Dispute Management Procedure](#).

### 7.4 Studentes





ICAs may include





Details of the unreasonable behaviour, decision and actions taken will be recorded in CaseIQ.

### 13. Recording complaints and misconduct

Those involved in managing complaints must maintain full and accurate records of a complaint and how it is managed. This information should be recorded in CaseIQ. All University Assisted Resolutions, University Formal Resolutions and Internal Reviews must be recorded.

#### 13.1 Student complaints - Academic Transcripts

Records of any allegation or proceeding brought against a student will not be included on a student's academic transcript. However, any academic penalties imposed following a determination, such as a mark adjustment, will appear on a student's academic transcript.

#### 13.2 External complaints

Complaints that require formal investigation will be recorded in CaseIQ. This will include correspondence with the complainant, minutes of meetings, notes of discussions and decisions made.

Effective: 17 May 2024 Responsible: DVC Transformation, Planning & Assurance Lead: Director, Conduct & Integrity



Role	Responsibility
	<ul style="list-style-type: none"> <li>• Conducts the review, recommends action, and refers the outcome to the Executive Review Officer for final determination</li> <li>• Advises relevant parties of outcome of internal review</li> <li>• Records details of review and outcome</li> </ul>

Executive Review Officer (ERO)

- Receives internal review recommendations from IRO for final determination
- May dismiss the appeal, make a fresh determination on all or part of the complaint, refer the matter back to CIO/ER to re-investigate or re-determine the complaint
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Complaint/ Allegation Type	Breach	Outcomes*
Copyright	<ul style="list-style-type: none"> <li>• Copyright (management)</li> <li>• IP (management)</li> </ul>	or termination of employment (In accordance with provisions of applicable Enterprise Agreement and/or employment contract)
Duplicate publication of data and/or results	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Academic title or visiting appointment may be withdrawn</li> </ul>