

The Querelis Quarterly

A newsletter of the Australian University Grievance & Complaint Network (AUGCN)

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CALENDAR

Somewhat vacant due to COVID-19
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SEPTEMBER 2020

Network Conference - On Hold

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EDITORIAL DATES

The editorial team invites contributions from members, relevant agencies and other interested parties. We will be bringing you discussion points, case studies and information relevant to the complaints space in Australian Universities.

The *Querelis Quarterly* will be published in March, June, September and December.

Please submit content for the next issue to

complaints@westernsydney.edu.au

Welcome to 2020

Dear Colleagues

We would normally start with a 'Welcome to 2020' statement, however, that seems inappropriate for a year that has brought successive and unwelcome challenges across the globe.

The extent of COVID-19's impact on higher education is unfolding. Being the adaptive community we are, we're moving to online delivery of courses and research supervision for our students, at the same time as setting up systems and environments to enable our staff to work from home.

LESSONS FROM COVID-19

COVID-19 has definitely driven home the importance of clear messaging. The right word, the right order to unfold your message, one wrong move can cause confusion and bring a raft of complaints.

Graduation ceremonies were one of the first 'events' that were clearly affected by Government restrictions in Australia. Invariably held indoors, with hundreds of well-wishers and graduands, the ceremonies could not go ahead as planned.

One network member reported their institution sending a message to graduands saying the ceremony had been cancelled

Staying connected within our institutions and across the sector is key. Please continue to reach out to colleagues within our Network to share knowledge and experience.

We send our best wishes and hope that you and yours stay safe and well during this trying time.

Conference 2020

Planning for our 2020 conference has been put on hold for the foreseeable future. We're not sure whether it will be possible to meet in the traditional format during 2020, however, we will keep you informed.

which resulted in countless telephone calls, emails and messages across various sites. What the institution really meant was that the ceremony would be postponed. What was missing altogether was the fact that the ceremony couldn't go ahead as planned because the Government restrictions prevented it.

While its unlikely that wording could eliminate all expressions of dissatisfaction when you postpone an event as important as a Graduation ceremony, choosing the right words and placing it in context is critical.

Do you have any similar experiences you'd like to share with your colleagues?

Functions of the Student Ombudsman

Associate Prof Barrie O'Connor, Griffith University

What do you do?

This contribution discusses the functions of the Office of the Student Ombudsman at Griffith University, staffed by an Administrator (0.8FT) and the Student Ombudsman (0.5FT). It commenced operating in March 2016 under the [Student Complaints Policy](#) and [Student Complaints Procedures](#). It reflects what Behrens (2017, p. 17) refers to as the "organisational ombudsman... [operating] independently but inside the organisation". Responsible to the Senior Deputy Vice Chancellor, the Office oversees student complaints management, answers staff and student inquiries and offers staff training. It provides annual reports both to the Academic Committee and Vice President (Corporate Services).

Student complaints framework

At the core is an understanding of students' right to complain in confidence and without fear of retribution about the quality of the services they receive at university and their treatment by staff and other students, as required in both State and Commonwealth legislation. They may also seek review of their treatment under any processes they believe do not follow University policies fairly. Griffith's [Student Charter](#) outlines mutual responsibilities and expectations for students and University staff, emphasising respectful relationships and ethical responsibilities for each.

As with most complaint and review processes in the University, three sequential steps operate, with options for the complainant to escalate the matter at each step if dissatisfied; attempts at *informal* resolution, a *formal* complaint submitted and allocated by the Administrator to the relevant designated complaint handler, and a final review process on referral to the Student Ombudsman. An opportunity for external escalation to the Queensland Ombudsman is also advised as a final step.

As most complaints occur informally,

online information is provided to support that process, a prerequisite to lodging a formal complaint on the student-complaints case management system. On receipt, the Office Administrator first checks if it may need to be referred to a different complaint track (e.g., review and appeal, discrimination, harassment, bullying and sexual assault) or declined pending completion of informal attempts at resolution. If accepted, the matter is directed to a policy-designated complaint handler for attention. Within 20 working days, it is expected that a thorough investigation is undertaken and reasons given for the findings delivered. Occasional unexpected delays may become a source of irritation and further complaint unless the complainant is notified, as policy requires.

Having a large number of designated complaint handlers increases the importance of staff training to ensure consistent, high quality decision making. To augment training sessions offered to academic and professional staff, the Student Complaints website lists relevant information about complaints processes, associated policies and support services including student advocates employed by the student associations. Importantly, detailed information to support the work of designated step 2 complaint handlers is posted on an intranet SharePoint site. It includes response templates and guides to ensure important components are addressed in the investigation and response letter, helping to mitigate dissatisfaction and possible referral to the Student Ombudsman. We plan this year to develop a sequence of online training modules and a quiz to help staff maintain currency in policy awareness and complaint management practices.

Student Ombudsman review function

Some key elements informing one student ombudsman's approach to investigating and reporting outcomes of complaint matters at the final

review step are described. It is hoped that sharing these approaches and raising points of reflection may stimulate further discussion in our community of practice. Several features strongly influencing the review function are discussed and some emerging issues raised for consideration. The Griffith Student Ombudsman is tasked with investigating whether the University has acted reasonably; ensuring matters are dealt with in a consistent and procedurally fair manner; recommending an appropriate resolution for the complaint that achieves fair, equitable and balanced outcomes for all parties; and making recommendations for improvements to University practices ([Student Complaints Procedures](#)).

The incumbent's higher education teaching, research and administration background in education and human services informs an appreciation of the demands that staff face undertaking a wide range of responsibilities while trying to understand and meet the diverse needs of their students. Although not trained in the law, this practitioner draws on insights from the ethics and practice of qualitative research by seeking to understand patterns in data, exploring unexpected outliers and reframing hypotheses until settling on solid evidentiary data that support outcomes delivered in neutral language. *How can we be sure that we deliver quality outcomes in an increasingly complex workplace? What keeps us grounded in making ethical and well informed decisions?*

Establishing the investigation – building rapport and confirming bona fides

Initial steps include: mapping the landscape (who, what, when, where – while preserving the complainant's voice to ensure faithful representation of concerns); listing and making contact with informants (e.g. complaint targets and other corroborating parties) through a

(Continued on page 3)

formal email (in confidence) to notify the concerns; describing the role of the Student Ombudsman as defined in policy; negotiating time/place for meeting in person or by phone; requesting any relevant documentation including email trails. While intended to soften the notification of a complaint, such emails can cause some recipients to be defensive and unsympathetic, which may be addressed by a reassuring phone call. When a mobile phone is used to make initial contact and before confidential information is disclosed, the recipient is invited to call the office number to confirm the bona fides of the call. This practice is also followed in calls to and from outside agencies to avoid potential misrepresentation. *What strategies do we employ to gain the cooperation and respect of complaint process participants? What processes are in place to ensure confidentiality is respected?*

Data gathering and record keeping

Core features include thoroughly pursuing data collection (e.g., emails trails, phone calls, interviews, documents, learning and teaching website); analysing data to identify corroborating and discordant patterns; following outliers that could challenge initial impressions; ensuring follow-up with reluctant contributors and finally analysing the data against established policies and procedures to verify compliance or identify discrepancies that need to be addressed. Some case findings have turned 180 degrees with the emergence of unexpected evidence late in the investigation phase because information initially disclosed was limited, even if unintentionally. *When do we know we have saturated the data, satisfactorily answered the core questions and put to rest any nagging doubts about sufficiency of our investigation?*

Data are organised into three major components: **complaint matters** submitted; **investigation** (key contacts list, case notes – diary of actions/phone calls/email/interviews and associated data) – based on information gathered from diverse

sources, that is, the audit trail; **case closure** – final report (letter sent to complainant listing findings, outcomes and recommendations, case closure notes, including any follow up actions; and if relevant, a separate report submitted to the senior member of the University executive (either academic or administrative) outlining associated matters requiring attention.

Creating the report

The general approach follows the ILAC model used in the law; **Issues, Law** (university policies and related legislation), **Application** of the policies, **Conclusions**. Writing the final report is an iterative process based on a broadly constructed template modified to suit each case – *contextualised introduction* confirming bases for complaint, outcome sought and process timelines, noting the responsibilities of and expectations held for the student ombudsman, and clarifying/distilling the complaint issues raised; outline of the *issues investigated*, as revealed in data analysis; *applying university policies, procedures and other legislation* pertinent to the case to identify compliance or shortfalls; statement of *findings, outcomes and recommendations* to improve services and processes. It concludes indicating acceptance of the report by the relevant senior member of the University Executive (academic or corporate) for follow up action, noting who receives copies and advising a further avenue of appeal to the Queensland Ombudsman. *How do we know that our report faithfully conveys the essence of our investigation, the reasoning behind our findings and a sense of fairness to all parties?*

Reporting systemic improvements – closing the loop

Action is taken by the relevant senior member of the University Executive to follow up improvements recommended. These include rectifying practices that diverge from policy, refining policies and practices to address emerging issues, and improving clarity in online information to remove potential misunderstanding

and increase transparency. *What mechanisms exist in our university to follow up recommendations for systemic improvements, as implied in the [Higher Education Standards Framework \(Threshold Standards\) 2015](#) (Standard 2.4.5)?*

Emerging issues

Fairness and courtesy – The [Student Charter](#) reminds students and staff of their mutual responsibilities to engage in respectful discourse. The [Student Complaints Procedures](#) and [Student Misconduct Policy](#) outline how staff can address vexatious complaints or deal with unreasonable behaviour by explaining they will withdraw from the situation (e.g., enquiry counter, phone call or emails) until the behaviour changes.

Due process and natural justice are critically important features of university administration and all staff are expected to ensure they behave ethically and without bias in decision making. While complaint matters may involve allegations of bias, an investigation itself can be affected by bias (e.g., giving weight to evidence outside the matter, ignoring evidence), which can lead to further complaint about a compromised process. Decision letters require neutrality in the tone of language adopted.

Students with disabilities and those with *mental health issues* are no strangers to the complaints arena. Some complaints may reveal cracks in best practice, requiring process refinements to ensure high standards are maintained without any unintended unfavourable outcomes or favourable outcomes disadvantageous to others. IN the former case, for example, because reasonable adjustments to assessment typically involve four parties – student, course coordinator, Student Disability and Accessibility Support, and Examinations and Timetabling, coordination problems may occur, which create delays in accessing course assessment details, notifying due dates and alternative examination venues, and lecturers' collecting exam scripts to ensure all

students gain their marks and feedback at the same time. In the latter case some staff may agree to adjustments not sanctioned in policy thus providing an unfair advantage.

Although students customarily give consent to disclose (a) the impact of a condition on their studies, (b) their registration with Disability and Accessibility Support and (c) required reasonable adjustments, another consent level allows the name of the student's condition also to be disclosed, which may better enable staff to understand and respond appropriately to each student's unique accessibility requirements. Students are encouraged to do so directly with academic staff themselves where possible. However, other teaching team members in a course working with the student (e.g., lecturers, tutors, markers) may not receive the information held by a course convenor. In addition, student

interactions with administrative areas of the university can also be impacted by a disability, leading to unsatisfactory experiences that generate complaints (e.g., dealing with forms, understanding financial and academic progression processes).

Fitness to Study and *Fitness to Practice* and *Health and Wellbeing* policies are becoming more common in the higher education sector. While designed to maintain a safe study and work environment for all participants and to ensure that universities discharge their responsibilities to safeguard high standards of professional preparation, such instruments need to be used with great care to avoid compromising due process and natural justice.

In conclusion, we inhabit a complex higher education environment that champions intellectual creativity, fosters a geographically expanding

student population, faces ongoing challenges to societal norms of respect and decency, adopts emerging technologies to streamline processes, and addresses grievances arising from competing views about what is fair and just. Because human intervention in the complaints space is likely to endure for some time yet, we as practitioners will continue to reflect on, and improve, what we do and how we do it, in whatever context we find ourselves. Sharing our experiences can help us all to grow.

Reference

Behrens, R. (2017). *Being an ombudsman in higher education: A comparative study*. European Network of Ombudsmen in Higher Education. Retrieved from:

<http://www.enohe.net/wp-content/uploads/2017/06/Being-an-ombudsman.pdf>

Virtual War Room

Our 2020 Network Conference is very unlikely to proceed due to the COVID-19 Crisis. Recognising the loss of our opportunity to get together and share ideas, Western Sydney University has offered to host a Zoom 'war room' for us to get together and discuss hot topics.

The finer details are being considered as we went to press. You'll receive a separate email with details of what's on offer and how to register your interest. If you have something you'd like to place on the Agenda, please email Evelyn at e.richardson@westernsydney.edu.au

