A Complex Case – Navigating the Minefield

Presenter: Wendy Hudson, Student Complaints & Discipline Coordinator, University of Tasmania

This session will explore how the University of Tasmania managed a complex case which involved:

- one student
- 8 original actions
- 6 separate university decision makers
- various other staff across the university
- a level of external scrutiny from the Tasmanian Ombudsman and
- one exhausted coordinator providing advice and support.

The case spanned a two year period and involved the management of university processes within a rapidly changing environment that culminated in an unforeseen outcome.

The presentation will focus on the benefits of a consistent coordinated approach to the management of complex student complaints against the university whilst also managing university processes against the student. It will highlight some of the ‘minefields’, and reflect on how we survived and what could have been done differently.

Student Voice in governance & quality assurance: How information collected by the issue resolution space can impact the university decision making process

Presenter: Associate Professor Jennifer Allen, Dean of Students, University of Newcastle

This session will describe a collaboration that seeks to locate the university issue resolution process and student engagement more firmly in university governance decision making to promote student success and retention. It seeks to support the effectiveness of student voice in engaging with decision makers to impact students’ satisfaction, success and retention and to overcome barriers that constrain student involvement. This process employs various methods that promote meaningful data collection, mentoring, training and engaging student participation in conversations that crosses the realms of prevention, early intervention and postvention in governance involvement. The expected impact will be to promote student skills, knowledge, partnership and ownership of university governance.
Stepping through the Australian policy cycle – an approach to reshaping institutional student grievance and appeals policy

Presenter: Karen Van Haeringen, Deputy Academic Registrar, Griffith University

When the Office of the Queensland Ombudsman conducted audits of the complaints management processes of each Queensland University in 2011 Griffith’s Student Grievances and Appeals Policy was more than a decade old. The establishment of the TEQSA Act in late 2011, which included Provider Registration Standard 6.4: Students have ready access to effective grievance processes, which enable them to make complaints about any aspect of the higher education provider’s higher education operations, reinforced to the University community the need for policy review. Policy review in response to these external accountability mechanisms and regulatory requirements can be a challenge for higher education institutions. The Queensland Ombudsman’s 2011 University Complaints Management Audit Report’s recommendations highlighted symptoms of Griffith’s policy problem, but failed to define the issues that needed to be addressed. Griffith University adapted Althaus, Bridgman and Davis’ (2007) Australian Policy Cycle to review its Student Grievances and Appeals Policy in 2013. The adapted Australian Policy Cycle comprises the following 7 stages and a continuous evaluation process: 1. Identifying the issues, 2. Policy analysis, 3 Policy Instruments, 4. Consultation, 5. Coordination, 6. Decision and 7. Implementation. The approaches Griffith used at each stage of the Policy Cycle, and the sector-wide resources supporting an evidence informed approach to the development of the following instruments: Student Review and Appeals Policy and Procedures, Staff Guidelines on Decision-Making in Student Cases and Student Complaints Policy and Procedures has further consolidated the institutional culture of integrity based on the values of honesty, trust, fairness, respect and responsibility.

Advocacy Internship Program

Presenters: Luis Gardeazabal, Manager of Advocacy Programs & Tanya Mackay, Advocacy Officer, University of South Australia

The development of the USASA advocacy internship program began in 2016, with the aim of providing students a comprehensive experience in dealing with clients, cases and policy application. The program is designed to have student interns engaged in actively supporting other students who are experiencing academic issues and helping them navigate University policies and processes. This is part of a broader USASA strategy to work with the University under a principal of partnership, to engage more students in University decision making procedures.

The initial design of the internship was aimed at students currently engaged in a law focused degree at UniSA, however upon consultation it decided to allow a broader range of students from across the University to apply. This not only expanded potential candidate options, but allowed students who were passionate about developing their professional skills the opportunity to apply. The draft training manual took approximately six months to complete and once finished the internship program was submitted to the UniSA Career Services division for approval.
If Deans of Students and Student Ombuds are important, why don’t all universities have one?

Presenter: Associate Professor Paula Newitt, Dean of Students, Australian National University

The detailed description and role of Deans of Students, Student Ombuds and Grievance Officers in Australian Universities vary considerably across the sector. This variability and the absence of openly accessible annual reports from such offices results in difficulties in comparing experiences, resources, load, critical concerns, emerging issues and trends in grievance handling and student support. The re-emergence of the Australian University Grievance and Complaint Conference and network is a great step forward in enabling an understanding of the national context and the uniformity (or not) of university handling of grievances and difficult student situations.

The Australian National University has had a Dean of Students since 1965 (not the same one you understand...). This session discusses the experience at the ANU over the period 2005 – 2018, providing detailed data and analysis for the five-year period 2014 – 2018. The grievance categories used in the ANU Dean of Students Office are presented as a starting point for discussion and comparison with those used by other conference attendees. A draft set of core categories are tabled to stimulate discussion of the development of a reference set of complaint/issue categories that University Deans of Students/Ombuds/Grievance Officers could report against to enable comparison across the sector. The session will include discussion of how such reference data can be used to modify university practices and policies; inform initiatives to improve the student experience; and help universities consider whether they would benefit from instituting a Dean of Students/Ombuds office. Mention will be made of some traps for the unwary.

Speak Up – responding to unacceptable and concerning behaviour at La Trobe University

Presenter: Ali Norton, Senior Consultant, Behavioural Support, Speak Up, Student Wellbeing, La Trobe University

Speak Up was established in January 2017 as a centralised service to triage and resolve reports of unacceptable and concerning student behaviour. As our second year of operation draws to a close, we’ll discuss the evolution of our service, what we’ve learned, and where to next.

Restorative practice - creating conditions where people can have the right conversation

Presenter: Dr Peter Hendriks, Deputy Dean of Students, Australian National University

Restorative practice is a way to create conditions where people can have the right conversation—real conversations that deepen relationships and build stronger communities. Restorative dialogues allow all people who have been affected in some way by an incident or injustice to discuss how they were hurt by it, how the hurt can be repaired, and how such incidents can be prevented in the future.

The focus is on communities and relationships. As such, one area where this approach could be effective is the university context would be in some of our more well-defined communities, i.e. student residential halls and colleges, where life is lived in close proximity to others and relationships are an important part of life. When there are incidents of bullying, (sexual) harassment, or (sexual) assault in halls and colleges the people who are affected by this are not just the small number of people who have been directly involved. There are also further circles of friends and peer groups
for whom the repercussions are uncomfortable and real, given the closed and intimate nature of residential communities. A chance to repair the damage done to the community through restorative practices would be invaluable. Concerns have been raised about the potential for doing extra harm instead of good, and also about the cost of the resources involved and I will address these as well.

Supporting HDR students to make and resolve grievances and complaints

Presenters: Professor Helen Klaebe, Pro-Vice Chancellor (Graduate Research & Development) & Susan Gasson, Manager, Research Students Centre, QUT

Complaints about the supervision of postgraduate students, student complaints can present special challenges in the Grievance and Complaints handling space (NSW Ombudsman, 2017). During this session we will use two case studies to open up discussion about the challenges faced in supporting HDR students wishing to make and resolve grievances and complaints. We would argue that what differentiates this cohort from coursework students are - further to advice in the NSW Ombudsman’s discussion paper - 1. The expectation of a relationship between supervisory team and candidate continuing through a candidature journey of up to 8-10 years, and 2. The extreme demands and pressures routinely associated with HDR studies. One impact of the need for a strong and enduring supervisory relationship is that often the supervisor is at the heart of HDR student complaints and grievances. An impact of the extreme demands and pressures of HDR studies is highlighted in the results of a survey of American HDR students (Nature, 2018) that showed that HDR students struggling to manage work/life balance and experiencing high levels of depression and anxiety. The two case studies provided will highlight how these two differentiating characteristics present in the grievances and complaints raised by HDR students. The questions we would hope to address in discussion are: How do we support the student in their studies while matters are under consideration? How do we support supervisors while matters are under consideration? What is the role of support services through the complaints process? How do we support the student whose complaint is not upheld? What lessons can we learn from these examples?

Fitness to practice policy at The University of Queensland

Presenters: Professor Sarah Roberts-Thomson, Faculty of Health and Behavioural Sciences & Keira Anderson, Faculty of Medicine, The University of Queensland

In degree programs that lead to professions in allied health and medicine, a significant proportion of a student’s education occurs through practice-based learning in organisations where students will have direct contact with the public e.g. hospitals, private practices, schools, disability services and community services. Of paramount importance is the safety of the public and the safety of the student and so the University must ensure that students on placement have the required aptitude, knowledge, skills and behaviours required for their profession. This forms the requirements for the fitness for practice policy established at the University of Queensland in 2016. Prior to this time, the only recourse available to the University was the misconduct policy, which was often unsuited for this purpose, giving us an opportunity to improve our policy environment. To scope the new policy we sourced policies and procedures from other universities and accrediting bodies, both in Australia and the UK. We also conducted extensive consultation across the University. Our policy is not intended to be punitive but is about supporting students as they go through their learning journey. We also want to ensure we have early identification of students that require intervention strategies so that they can
complete the practical requirements of their degrees. One of the biggest challenges that we face within the institution is education on when and how to use the Fitness to Practice policy. During our talk we will discuss our approach to the policy establishment and provide case studies to illustrate when this policy should be enacted and some of the lessons we have learned as we wrote, consulted and some of the lessons we have learned as we wrote, consulted and implemented the policy.

Case Studies and opportunities for the digital transformation of complaints and grievance management

Presenters: Daryl Stuart, Executive Director, CGov & Maree Lee, Manager, Student Complaints and Grievance Resolution, The University of Queensland

Digital transformation technology now enables large organisations such as Public Universities to implement customised software applications for the automation of complex business processes such as Complaints and Grievance Management. Software as a Service (SaaS) Solutions offer immediate benefits without the costs and delays of traditional software projects. However, such benefits do not come without risks.

This presentation provides a Case Study and a SWOT (Strengths, Weaknesses, Opportunities and Threats) Analysis on the application of SaaS Solutions for Complaints and Grievance Management. Complaints management is a highly complex, zero tolerance business process in higher education. The implementation of an online Complaints Management and Reporting system in University of Queensland in 2018 provides a Case Study for the application of a SaaS Solution for this process. The Case Study will the present requirements process, implementation project, change management for live use and early experience in the use of the CGov Complaints and Grievance Management Solution selected by UQ.

The SWOT Analysis of Software as a Service (SaaS) Solutions for Complaints and Grievance Management, looks at these systems through technology, regulatory and organisational outcomes. Technology issues examined include - licensing, hosting, flexibility, and integration. The regulatory issues discussed are compliance, privacy and business continuity. Organisational issues discussed are: change management, continuous improvement and resilience.

Managing sexual harassment complaints - The trenches or the table

Presenter: Adair Donaldson, Solicitor, Donaldson Law, Toowoomba

With the heightened awareness of sexual harassment in society and the university setting, managers are going to be increasingly challenged responding to complaints of harassment. A manager’s initial response can have a significant impact upon whether a matter will result in an adversarial litigious process or instead can be handled in a collaborative manner with all parties working to achieve a solution. The session will look at the challenges faced by managers when confronted with a sexual harassment allegation and steps they can take to minimise the risk of court proceedings.
Managing student sexual harassment / misconduct

Presenter: Andrea Strachan, Director Student Services, The University of Queensland

Providing support and addressing instances of sexual harassment / misconduct within the student cohort is fraught with legislative responsibilities and challenges. Balancing the duty of care, moral responsibility, risk, and legal environment are some challenges that all universities in Australia (and the UK) struggle with.

Whilst UQ has not found a ‘silver bullet’, we have worked on a number of initiatives to address some of these tensions and have a number of reviews of our approach planned for 2018. This session will be presented by a team from Student Affairs at UQ and will cover:

- The establishment of the Sexual Misconduct Support Unit at UQ as part of the support and reporting initiatives as well as the education and preventative initiatives. The education and preventative work is critical to the lasting cultural change and is helpful in informing the development of the support and reporting structures.
- UQ’s experience in working in partnership with the student groups, staff and other stakeholders to deliver support and training to assist in approach.
- Experience of what happens on the ground when things go well / not well and lessons we can all take away to be able to create the positive, consistent and safe experience for students.

The team will address some of the tensions overcome in establishing the SMS Unit, discuss some of the tensions still experienced on a daily basis and how this contributes to the management of student sexual harassment / misconduct matters.

Weighing up the evidence – Assessing the evidentiary weight of psychological reports in student cases

Presenter: Dr Frank Varghese, Forensic Psychiatrist, Independent Practitioner, Brisbane

When a student lodges a grievance or appeal, or responds in defence to disciplinary action, they usually supply some form of supporting documentation to strengthen their case, with the objective of persuading a decision-maker in their favour. In such circumstances decision-makers need to weigh all material evidence and on the balance of probabilities determine the most appropriate outcome.

With the increased awareness and acceptance of mental health issues in society, we are seeing institutions such as universities taking greater steps to reduce the stigmatisation of identifying as a person in need of professional psychological help. It is therefore not surprising that universities staff will see students more and more frequently present medical or psychological evidence as part of their supporting documentation.

This presentation will focus on the material evidence of psychological reports, it will review a number of student case examples in which psychological reports have been applied, and assess the evidentiary strength and persuasiveness of such reports. At the conclusion of this presentation you will be able to identify the key attributes of an independent psychological report and distinguish such reports from advocacy documents.
Measuring what counts and counting what matters: Benchmarking complaints management

Presenter: Associate Professor Margaret Wallace, Student Ombudsman, University of Wollongong

It seems that there may be an appetite for universities to undertake some form of complaint management benchmarking. While the idea is good, it is not without its challenges. Last year’s conference, along with data Carmel Cavaye of the University of Southern Queensland collated recently, highlighted the diversity of our complaints management contexts and approaches. This interactive session, jointly facilitated by representatives of two universities, seeks to find common ground to enable us to do some useful benchmarking. Our discussion will focus on the following questions.

- How are the terms ‘complaint’ and ‘grievance’ defined and operationalized?
- What metrics should apply to measure quality in complaints management?
- If timeliness is an important metric, how should it be defined?
- What other attributes of complaint resolution should be evaluated?
- Do universities collect data that would enable them to review their own performance against complaint resolution metrics?
- Could there be some form of ‘benchmarking’ or other comparison of complaint resolution across Australian Universities?

At the centre of this roundtable discussion is a hope that the collation of data on student complaints, and on the timeliness of their resolution, yields improvements which support our shared purpose of improving the student learning experience.

Changes to admissions language for ombuds and complaints managers across the sector

Presenters: Sarah Beresford, Associate Director & Bruce McCallum, Director, Student Business Services, QUT

The Australian Government, in partnership with higher education sector, is making changes to the way institutions explain their admission practices. The government’s Admissions Transparency agenda is aimed at making the processes for applying to study higher education easier for prospective students to understand and compare. It focuses squarely on domestic, undergraduate courses, and under the guidance of TEQSA and the Commonwealth Department of Education, institutions have recently made significant changes to their prospective student websites, hard copy publications, admission policies and other admission related paraphernalia with the aim of introducing a nationally consistent language that talks to nationally comparable information.

Providers have done so willingly, with good heart and good cheer with no relationship to the portion of university funding that has been connected to compliance.

The new terminology and formatting requirements for admissions information may have driven many university sector marketing professionals to the brink of despair. Over time however the value of a common language that prescribes it’s delivery into the shared marketplace will meet the objective of making providers more accountable for the admissions information they publish, and improve the accessibility and comparability of entry information for prospective students.

This session provides a crash course in the new admissions-speak. It aims to give participants an overview of the changes they will see and hear through a whirlwind tour of real websites and actual marketing publications. Finishing with an interactive quiz, this session will use chocolate to reward and reinforce the use of good admissions language by ombuds and complaints managers across the sector.
Closing the loop on student academic appeals/case studies

Presenters: Associate Professor Kathryn Tonissen, Chair, University Appeals Committee; Lorin Mitchell, Student Integrity Officer; Rachel Farnsworth, Student Integrity Officer; Karen van Haeringen, Deputy Academic Registrar, Griffith University

Student appeals against academic decisions are an important component of University complaints processes. While students are fixated on the outcome, it is likewise easy for Universities to focus on the administrative and compliance aspects of the process. Instead, Griffith University has a fully integrated and collaborative approach between academic and administrative elements, which promotes a feedback process to continually improve best practice. Equally important is that the process is student centered at all stages.

Students initially seek an explanation from the original decision maker and if dissatisfied can then submit a request for a review from the designated reviewer. This process provides sufficient information for students to gain a clear perspective regarding the decision, allowing them to prepare an informed case to the University Appeals Committee in a final appeal step. The committee functions independently of any specific University element and comprises academics, student members and administrative support to ensure academic standards are maintained and policies complied with, while arriving at decisions that are fair and just.

Feedback from the committee’s deliberations and investigations often leads to improvements in policy and processes, and to enhanced practice within academic elements. The collaborative approach also extends to facilitating support for students after the outcome, regardless of whether the appeal is upheld or dismissed. This includes input from counsellors, program directors, academic advisors, administrators and specialized learning support staff. The presentation and discussion will be focused on case studies and examples of these processes as relevant to the academic, administrative and student stakeholders.