

APPENDIX K: Complaints Policy

If you need help or support, contact:

- Head of College, Professor Don Markwell
- Dean, Professor Jonathon Allen
- Director of Wellbeing, Ms Sally Cassidy
- Director of Learning, Dr Katrina Stats
- Business Manager, Mrs Sara Ware.

Statement of Commitment

St Mark's College acknowledges that staff and students of the College have a right to make complaints about services provided by the College, practices/procedures of the College, and any aspect of life at the College.

We are committed to:

- a simple process for making complaints;
- listening and responding to complaints; and
- using complaints to inform a continual process of improvement of the College.

Who is covered by this Policy

This Policy applies to all St Mark's College staff and students.

What is covered by this Policy

This Policy covers how to make a complaint to the College and how the College will respond.

This Policy applies to any and all complaints (as defined in this Policy) about services provided by the College, practices/procedures of the College, and any aspect of life at the College.

The College has a stand-alone "Sexual Misconduct Policy and Response Procedures" (available in the Handbook and on the College website). While disclosure and reporting of sexual misconduct is covered specifically by that policy and procedure, that does not exclude a complaint under this Policy about any aspect of the College that might involve, or might have some element of, sexual misconduct (such as sexual harassment or sexual assault).

What is *not* covered by this Policy

This Policy does not apply to complaints made other than to the College as provided for in this Policy. The College is not able to respond to complaints that are not made to the College as provided for in this Policy.

A complaint made to a student of the College, or to the St Mark's College Club Inc., is not a complaint made to the College.

A complaint made to a staff member of the College is not a complaint made to the College, unless it is made as provided for in this Policy.

Roles and Responsibilities

The College is responsible for implementing this Policy and responding to complaints.

Every person covered by this Policy (see **Who is covered by this Policy** above) is responsible for familiarising themselves with this Policy.

Particular office-holders mentioned in this Policy have the particular roles and responsibilities set out in this Policy.

Definitions

College – St Mark’s College of 46 Pennington Terrace, North Adelaide SA.

Complainant – A person who is covered by this Policy who makes a complaint.

Complaint – An expression of concern or dissatisfaction made to the College, as provided for in this Policy, by a complainant.

Respondent – A person about or against whom a complaint is made.

Support person – A person chosen by a complainant or respondent to support or assist the complainant or respondent (as the case may be) in relation to a complaint.

Procedural Fairness

The College will treat complainants and respondents in accordance with accepted principles of procedural fairness.

We acknowledge that complainants should not be adversely treated or affected in any way as a result of choosing to make a complaint.

Where a complaint is made about or against a respondent, the College will respect the rights of the respondent throughout any investigation and disciplinary processes.

Seeking Support

The College encourages anyone who has experienced or witnessed anything at College about which they are upset or distressed to seek support as soon as possible, so that they can be helped and supported.

Making a Complaint

A complaint under this Policy is made either by:

- lodging a complaint in writing in the form annexed; or
- making a complaint orally or in writing – and indicating that it is a formal complaint – to any of the following office-holders of the College:
 - Head of College
 - Dean
 - Director of Wellbeing
 - Director of Learning
 - Business Manager
 - an Assistant Dean.

The complainant is free to change their mind about the complaint at any time, including to withdraw it. That decision will be respected, and the College will still provide support, information and advice to the complainant as may be appropriate. However, there may be some situations in which the implications for the complainant, or for others actually or potentially affected, are serious, and in which the College assesses that its duty of care is such that it may need to take some action to avoid a foreseeable risk of harm.

The complainant can make a complaint anonymously or without providing all of the relevant details (e.g., the name of anyone else affected or involved) and that will be respected.

It may be important to make a complaint as soon as possible, so that the College can respond appropriately; however, the College does not impose any time limit for making a complaint.

The opportunities for the College to provide appropriate support, investigate effectively, and identify and respond to complaints, may be limited if:

- a report is made anonymously, confidentially or without all of the details;
- significant time has passed between an incident and the complaint;
- the complainant and/or respondent is/are no longer at the College; and/or
- information is disclosed to the College by a support person in the absence of the complainant.

Where complaints are made anonymously, confidentially or without all of the details, or where information is disclosed to the College by a support person in the absence of the complainant, the College will nevertheless use *de-identified* complaints for the purposes of the College's risk identification, assessment and prevention strategies.

The College may also provide *de-identified* complaints to the universities (the University of Adelaide, University of South Australia and/or Flinders University) as required or appropriate.

Responding to a Complaint

The College will promptly acknowledge to the complainant the receipt of the complaint. The College will provide support, information and advice to the complainant as may be appropriate, irrespective of whether or not the complainant wants any further action taken in response to the complaint.

Any complaint received by the Dean, the Director of Learning, the Director of Wellbeing, the Business Manager, or an Assistant Dean will be conveyed promptly to the Head of College.

Initial assessment

The Head of College will promptly and fairly conduct an initial assessment, which at minimum will include:

- taking any measures that may be necessary or appropriate to protect any person from a risk to safety, health or wellbeing and/or to assist in the effective implementation and progress of any subsequent investigation or disciplinary process; and

- considering the scope and timing of any further action, taking all the circumstances into account.

In the initial assessment, the Head of College may consult with and/or delegate any task to any one or more of the Dean, Director of Wellbeing, Director of Learning, Business Manager, Registrar, Assistant Deans, or other officer of the College.

The College will respect the wishes and choices of the complainant as to how the matter is dealt with, to the furthest extent possible – but the College (as part of its commitment and obligation to provide a safe place for students and staff to live, work, and study) retains a discretion to take such action as may be necessary or appropriate in the exercise of the College's duty to take reasonable care to avoid a foreseeable risk of harm to students, staff, or visitors.

Further action

Following on from the initial assessment, unless determined otherwise, the College will as soon as reasonably practicable:

- where applicable, discuss the complaint with the person or group at the College with the relevant responsibility for the matter complained of;
- where applicable, discuss the complaint with the respondent;
- carry out any further investigation and/or information gathering that may be necessary or appropriate;
- make decisions about how the complaint can be resolved; and
- implement those decisions.

Throughout this process:

- the College will inform, and keep informed, the complainant (and respondent, where applicable) about relevant policies and processes, and, where appropriate, investigation outcomes, decisions, and any action the College proposes to take or has taken;
- the complainant remains free to change their mind about the complaint at any time, including to withdraw it; and
- the College commits to providing support and assistance to the complainant (and, separately, to the respondent, where applicable).

College sanctions and disciplinary action are at the discretion of the Head of College, considering all information provided by the complainant (and respondent, where applicable) and all the circumstances.

Support person

At any time during the making of a complaint and/or any action taken by the College in response, the complainant (and/or the respondent, where applicable) may be supported/assisted by a support person of their choice.

Where the complainant (and/or the respondent, where applicable) wishes to be supported/assisted by a support person, the College will endeavour to accommodate that as

far as reasonably possible. The absence of a support person will not preclude the College from taking necessary or appropriate action to respond to a complaint.

Policy Review

This policy will be reviewed on an annual basis at the start of each year, prior to publication in the student Handbook, to ensure that it is compliant with best practice management and the College's legal obligations.

This policy may be reviewed and revised at other times also.

Policy updated: February 2020, January 2021, January 2022, January 2023

Policy authorised by: Head of College

Date to be reviewed: January/February 2024

Annexure – Form for Lodging a Complaint

Lodging a Complaint

Name of complainant:

Contact details of complainant (e.g., mobile number, email address, room number):

Complaint made to:

Date complaint made:

Details of complaint:

Other person/s involved (complained about, or as witness/es):

Preferred outcome:

This form is to be lodged (in hard-copy or by email) with any one of:

- Head of College
- Dean
- Director of Wellbeing
- Director of Learning
- Business Manager
- an Assistant Dean