

# STUDENT OMBUDSMAN PROCEDURE

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## 1 PURPOSE

- 1.1 This procedure establishes a review process to ensure the University's actions and decisions affecting students are fair and equitable. To achieve this, the Student Ombudsman reviews issues raised by students where they reasonably consider CQUniversity policies, procedures and processes have not been followed and they have been adversely impacted.

## 2 SCOPE

- 2.1 This procedure applies to:
- any University administrative action or decision as they affect students, and
  - all CQUniversity students undertaking a course of study or research.
- 2.2 This procedure does not apply to CQUniversity's controlled entity, PT CQU Executive Business Training Centre.

## 3 PROCEDURE

### Student Ombudsman's role

- 3.1 The Vice-Chancellor and President will appoint a person to be the Student Ombudsman and may, for any reason, appoint one or more people as Assistant Ombudsman with the same authority and responsibilities as the principal Student Ombudsman. Refer to the [Student Ombudsman website](#) for more details.
- 3.2 The Student Ombudsman:
- reviews matters students raise about the implementation and adverse impact of any University administrative action or decision as they affect students

- may make recommendations to resolve a specific matter or to ensure that potential future policy and/or procedural anomalies are corrected
- is independent of influence or administrative direction from any source when implementing this procedure and other University policies and procedures
- ensures that the principles of procedural fairness are followed so that all parties directly involved have a right to a fair hearing and that decisions are unbiased.

### **Scope of authority**

- 3.3 The Student Ombudsman will review a matter only if the student has made reasonable attempts to pursue other avenues to resolve the matter available under CQUniversity policies and procedures. The Student Ombudsman can exercise discretion to decide whether or not to review a matter.
- 3.4 To assist a review, the Student Ombudsman can move across all administrative areas of CQUniversity and will be given access to all CQUniversity records and documents relevant to the review process. This access does not include material held in staff personnel files.
- 3.5 The Student Ombudsman may access confidential data about a student requesting a review only when the Student Ombudsman gives written reasons why the access is necessary and the student gives written permission to release the confidential data.
- 3.6 The Student Ombudsman may, for any reason including a possible conflict of interest, refer a review request to an Assistant Ombudsman or other executive CQUniversity employee not connected with the initial matter under review.

### **Restrictions on authority**

- 3.7 The Student Ombudsman does not have authority to:
- a) reverse any decision of the University Academic Appeals Committee
  - b) undertake any role in a student misconduct matter considered by the Director, Corporate Governance
  - c) undertake any role in deciding academic matters, unless it can be shown that relevant policy and/or procedure has not been followed
  - d) consider fee matters dealt with by the CQUniversity Review Officer acting as a Commonwealth Government delegate, or
  - e) consider any matter outside the scope of CQUniversity functions, responsibilities and powers defined by the [Central Queensland University Act 1998](#) and in its policy documents.
- 3.8 If the Student Ombudsman becomes aware that the matter under review is under consideration by the Director, Corporate Governance, or the subject of an appeal to the University Academic Appeals Committee or action by any court, the review will cease until the matter is resolved.
- 3.9 A 12-month time limit, calculated from the end of the calendar year in which a matter was raised with a CQUniversity academic or administrative unit, applies to all student requests for review. The Student Ombudsman may exercise discretion to accept requests received after 12 months if appropriate in the circumstances.

### **University review process**

- 3.10 All requests for review must be in writing (in electronic or other forms) and give sufficient details to enable the review. Refer to the [Student Ombudsman website](#) for more information about requesting a review.
- 3.11 To enable the Student Ombudsman to consider a review request, to consult third parties, and circulate documents considered relevant to the review, students must give their consent in writing.
- 3.12 The person requesting the review of a matter must either be an enrolled student of CQUniversity or must have been an enrolled student at the time the incident to be reviewed occurred.

- 3.13 On receipt of the student's documentation, the Student Ombudsman may make further enquiries and decide whether or not the matter is within jurisdiction.
- 3.14 The Student Ombudsman will reject a matter for review, and give written reasons, if:
- other means to resolve the complaint exist, or
  - the complaint is frivolous, trivial, vexatious or not made in good faith, or
  - the complainant does not have a sufficient interest in the matter, or
  - the incident has occurred outside the 12-month timeframe outlined in section 4.9.
- 3.15 If the matter is not resolved by informal consultation, discussion or negotiation suitable to all parties, the Student Ombudsman may proceed with the review and undertake any of the following action:
- provide a written statement to the person or head of the administrative unit involved requesting a formal response to the complaint
  - convene a conference of all parties to discuss the complaint
  - use any methods appropriate to resolve the complaint
  - recommend that the matter be referred to the University's Academic Appeals Committee, with or without supporting reasons.
- 3.16 The Student Ombudsman will advise the student of the status of the review and/or its outcome, including reasons for the decision in writing, within 14 working days of receipt.

## External review

- 3.17 Students who have exhausted all the internal appeals processes of CQUniversity and are not satisfied with their outcome may appeal to the Queensland State Ombudsman, whose website is [www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au).
- 3.18 Students enrolled in a vocational education and training (VET) course of study may refer their complaint to the Queensland Training Ombudsman, whose website is [www.trainingombudsman.qld.gov.au](http://www.trainingombudsman.qld.gov.au).

## 4 RESPONSIBILITIES

### Compliance, monitoring and review

- 4.1 At all times, the Student Ombudsman will adhere to the provisions of the [Central Queensland University Act 1998](#), all CQUniversity policies and procedures, and to the principles of procedural fairness in taking action and making decisions.
- 4.2 The Deputy Vice-Chancellor (Student Experience and Governance) and Student Ombudsman is responsible for monitoring and reviewing the procedure's implementation to ensure compliance and continuing effectiveness in achieving its purpose.

### Reporting

- 4.3 If the Student Ombudsman discovers an issue during a review that may leave CQUniversity open to litigation by any party, the Student Ombudsman will immediately report the matter in writing to the Vice-Chancellor and President and make recommendations as appropriate.
- 4.4 The Student Ombudsman will submit each year a detailed statistical report with comments about the previous year's activity to the Vice-Chancellor and President. This report may contain recommendations about the future implementation of CQUniversity policies and/or procedures.
- 4.5 The Student Ombudsman reports to the Deputy Vice-Chancellor (Student Experience and Governance) on day-to-day matters, but retains independence in undertaking reviews and deciding review outcomes.

## Records management

- 4.6 Employees must manage records in accordance with the [Records Management Policy and Procedure](#). This includes retaining these records in a recognised University recordkeeping information system.
- 4.7 University records must be retained for the minimum periods specified in the University Sector Retention and Disposal Schedule on the [Queensland State Archives website](#). Before disposing of any records, approval must sought through the Records Management Office (email [records@cqu.edu.au](mailto:records@cqu.edu.au)).
- 4.8 The Student Ombudsman will maintain detailed records of all matters.

## 5 DEFINITIONS

- 5.1 Terms not defined in this document may be in the University [glossary](#).

### Terms and definitions

**Procedural fairness** refers to the methods used by a decision-maker in responding to a complaint. When dealing with the Student Ombudsman, students can expect:

- ethical and honest behaviour
- an unbiased and independent response to complaints
- equitable treatment
- respect for diversity, and
- a timely response as set out in section 3.16 of this procedure.

## 6 RELATED LEGISLATION AND DOCUMENTS

CQUniversity [Student Ombudsman website](#)

[Queensland Ombudsman](#) website

Queensland [Training Ombudsman](#) website

## 7 FEEDBACK

- 7.1 Feedback about this document can be emailed to [policy@cqu.edu.au](mailto:policy@cqu.edu.au).

## 8 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	Vice-Chancellor and President
Advisory Committee to Approval Authority	Vice-Chancellor's Advisory Committee
Administrator	Deputy Vice-Chancellor (Student Experience and Governance)
Next Review Date	06/07/2020

  

Approval and Amendment History	Details
Original Approval Authority and Date	Academic Board 29/11/2000
Amendment Authority and Date	Academic Board 30/11/2005; Executive Director (Corporate Services) 9/08/2006; Vice-Chancellor and President 26/07/2011; Vice-Chancellor and President 12/03/2014; Vice-Chancellor and President 03/06/2014; Administrative update approved Director, Vice-Chancellor and President's Division 04/07/2016; Reviewed – Director, Vice-Chancellor and President's Division 06/07/2017; Correction to review date 15/01/2018; Minor Amendments Administrator Approved – Deputy Vice-Chancellor (Student Experience and Governance 26/02/2020; Editorial Amendment 05/05/2020.
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