

Australasian Universities Deans of Students, Ombuds,
Complaint Managers and Student Advocates Conference 2019
Science Teaching Building, Building 136, Linnaeus Way, ANU

Thursday 12 September

8.15 – 8.45 AM: Registration open. Tea and coffee

8.45 AM: Acknowledgement of Country

8.50 AM: Welcome – Prof. Mike Calford, ANU Provost

Session A (STB Seminar Room 1 (3.07))

9.00 – 10.00 AM

PLENARY: Mr Michael Conaty, Investigation Officer, Office of the NSW Ombudsman: *Setting the Scene: focussing efforts on the earliest stages of a grievance.*

10.05 – 10.35 AM

Margaret Wallace (UOW): *“A very little key will open a very heavy door”:
Procedural Fairness as a key to complaint resolution*

One of the impediments to an early and clear resolution of a complaint, particularly a complex case, is a lack of procedural fairness. Sometimes this is the substance of the complaint itself and sometimes it develops during the process of complaint management. Through a process of facilitated analysis of case studies (six reconstituted, de-identified, anonymised extracts), which are exemplary of the types of procedural fairness issues that can arise in the management of student academic complaints, the participants in this interactive presentation will be enabled to consider the questions:

- How is procedural fairness hindered in this case study?
- What is the immediate remedy for this lack of procedural fairness?
- What proactive approaches could help prevent this from happening again?

The objective of this process is to share and develop the knowledge of the participants and unlock useful ideas to enhance the understanding of this important concept amongst all involved in complaint management and advising.

*With acknowledgement to Charles Dickens, *Hunted Down* (1860).

10.35 – 11.00 AM: Morning tea (25 min)

Session B

11.00 – 11.30 AM

Daniel Studden and Meg Smith (UNewcastle): *The role of student advocacy in coordinated support of an international higher degree research student – a case study*

(Seminar Room 1)

Complex issues arising in one area of a student's life can have significant and cascading impact across other arenas. While this is true of all students, there are elements of an International Student experience that can add further complexity. When students experience an issue which has a significant impact on their academic life, the Office of Student Advocacy at UON recognises the value of coordinated case management between services to provide holistic support. Through coordinated case management, the university ensures holistic support across academic, health, administrative and legal/legislative aspects of student's experience.

Our presentation will demonstrate the value of coordinated case management through a case study of an international higher degree research student facing progression issues and termination of candidature complicated by humanitarian concerns. It will outline the coordinated support provided by staff from Campus Care, Graduate Research Office, Counselling, UON Global, the Dean of Students and the Office of Student Advocacy. It will demonstrate the impact of coordinated care on the student's wellbeing and academic success.

We will focus on the specific role student advocacy played in this case. We will also consider the value of having student advocacy located as core business of the University in facilitating relationships with other university services and in the management of confidential and sensitive data.

11.35 – 12.05 PM (Parallel Sessions)

Adam Boyce (La Trobe): *Staff/Students – Investigating complaints when one or more parties are both student and employee of the university*

(Seminar Room 1)

The presentation will discuss the relevant practice concerns for investigating complaints when one party or multiple parties are both a student and an employee of the University. When a person holds both roles there is increased complexity around jurisdiction, parties rights, investigation processes and enforcing outcomes. The presentation seeks to navigate these issues and provide guidance on a core set of principles for addressing these type of matters. Particularly, where conduct in one role crosses over to affect the operation or performance in the other role. A series of case examples will also be discussed.

Zyl Hovenga-Wauchope (ANU): *The role of student advocacy in promoting student wellbeing*

(Seminar Room 2)

Ensuring the wellbeing of students in a university environment requires a concerted effort from many parties and stakeholders. Crucial to this is the many counseling and support staff

employed by the university, but equally important is the work of student advocates working in partnership with university staff. Student advocates particularly provide a unique platform for promoting student wellbeing due to their independence from the university itself, allowing them to effectively advocate for and support students who university staff cannot support due to conflict of interest and responsibility to the university itself. This is best delivered in partnership with the university and staff to ensure effective collaboration for the benefit of student wellbeing. This presentation will discuss the above through an exploration of the services provided by the Postgraduate and Research Students' Association and how PARSAs work with the ANU Executive, management, administration, counselling, and support staff of the university.

12.10 – 12.40 PM (Parallel Sessions)

Megan Cassidy (UTS): “Aim high and get personal”: Complaints to senior staff members – a practice-oriented presentation

(Seminar Room 1)

Google “how to complain” and the first hit, third point is: “Aim high and get personal” as in, call or email the most senior person in the organisation direct. Complainants feel entitled to complain to our Vice Chancellors and senior executives and believe (not always erroneously) that this will get them a result that they want.

There are good reasons complaints should not be managed at a senior level:

- Fairness to those complainants who do not approach senior executives and use mandated processes
- Waste of high level resources dealing with straightforward complaints
- The fact that senior executives are seldom complaints management subject matter experts

Complaints made at a senior level, outside established complaints management processes risk not being properly recorded, or ‘falling through the cracks’.

Francine Seeto (USyd): Your independent student advocacy service: we mean no harm; we seek procedural fairness

(Seminar Room 2)

A student grievance or complaint can lead anywhere, and often nowhere. We argue that the role of the independent and professional student advocate is important for both the student and the university on multiple levels. These include the critical role of listening to the original concerns by the student, calming and providing support and informed advice, and assisting in finding satisfactory resolution for the student whether informally or formally in the form of a complaint. Our independence from the university is crucial in providing a student with the confidence and trust in our role when charged with representing their best interests in regard to the university’s myriad statutes, regulations, policies and procedures. Join us for a spirited conversation about the role of the student advocate in the student complaints space. What is independent? What is meant by professional? What are the different models of student advocacy services at universities now?

12.40 – 1.25 PM: Lunch (45 min)

Session C (Seminar Room 1)

1.25 – 2.15 PM

Parallel breakout sessions

- Deans of Students/Ombuds
- Complaint Managers
- Student Advocates

2.40 – 3.10 PM

Darryl Stuart (Executive Director, Cgov): *Custom Cloud Solutions for Misconduct and Grievance Management*

Departments managing Complaints, Appeals and Misconduct have one of the most sensitive and difficult roles in any organisation, boasting a high volume of complex processes with zero tolerance for errors or delays. Cgov can help your Department better manage those processes, reduce risk and cut down on the time-consuming paperwork. This presentation will include results and lessons learned from the implementation of a new online Complaints Management and Appeals System at the University of Queensland and discussion of a possible national data collaboration and benchmarking service for grievance, complaints and appeals data.

3.10 – 3.30 PM: Afternoon tea (20 min)

Session D (Seminar Room 1)

3.30 – 4.45 PM

PLENARY: Dr Terry O'Connell, Director, Real Justice Australia, a division of the International Institute for Restorative Practices (IIRP): *The Conversation That Matters*

5.00 – 6.00 PM: Social event sponsored by Cgov – Badger & Co Bar, Kambri



COMPLAINT & MISCONDUCT MANAGEMENT

Friday 13 September

6.45 AM: Walk the dogs. Early morning walk on campus accompanied by furry friends. Meet at STB for a guided casual walk around campus.

8.45 AM: Tea and coffee on arrival

9:00 AM: Welcome and review

Session E

9.10 – 9.40 AM

Amy Kilpatrick and Scott Pearsall (UCanberra): *Identifying and managing students with high conflict personalities*

(Seminar Room 1)

Identification and management of students with high conflict personalities is critical. Where unchecked, students with high conflict personalities can take a heavy toll on staff, other students, can interrupt the learning of other students and can damage the reputation of a University. Managing high conflict personalities can be exhausting, particularly resource intensive and may escalate to external complaint(s) and/or litigation.

This presentation will draw on the research of Bill Eddy and the experience of the presenters to look at how best to respond to students with high conflict personalities. Our presentation will look at how to identify high conflict personalities and how to limit the impact that these personalities can cause. As litigants, high conflict personalities create their own brand of case law at universities which we will also review. This presentation will also recommend a proactive whole of system response which could benefit the whole sector.

9.45 – 10.15 AM

Jenny Allen (UNewcastle): *Sensemaking from Troublemaking – Organisational Learning from Informal and Formal Grievances*

(Seminar Room 1)

This session recognises the importance of the student voice in decision making within the university context. This voice is present in the grievances raised by students as they progress throughout their studies. Data is oftentimes collected in universities via the formal complaints space to inform future decision making, however this has been limited within early intervention issue resolution in view of 'just-in-time' responses and ongoing organisational learning, particularly in university governance. The Dean of Students at the University of Newcastle is working with Complaints and Strategy, Planning, and Performance (SPP) to ensure that grievance data collected encompasses early and informal issues to impact decision making.

This is achieved through: the alignment of categories of data collected and regular meetings between Complaints, SPP and the Dean of Students office; regular meetings with student representatives on university committees and the establishment of a student entities, Dean of Students and Student Advocates group (SEDOSA) to consider the data; regular meetings with Heads of School, Pro Vice Chancellors, and DVC's to consider implications of the data

for proactive strategies and 'just-in-time' organisational learning and change; attendance of DOS on UON Teaching and Learning committee, Research Committee and Academic Senate for longer term organizational learning and change. In these forums recommendations are considered with the plan to evaluate resultant action regularly. Two particular case studies will be explored to demonstrate the day-to-day operations of these strategies. These will include a student misconduct issue in student living and policy implementation and revision of the Faculty Progress and Appeals process.

10.20 – 10.50 AM (Parallel Sessions)

Phoebe Churches (UMelb): *Student against Student Complaints – thinking beyond discipline and misconduct*

(Seminar Room 1)

At the University of Melbourne, student complaints regarding other students are almost exclusively framed as matters of student conduct and progressed via the Student Discipline process. This is custom and practice notwithstanding the availability of conciliation approaches such as mediation or other forms of alternative dispute resolution.

While there are a number of categories of complaint involving staff and administrative decisions, the University of Melbourne *Student Complaints and Grievances Policy* defines student complaints about other students only in terms of "complaints or grievances in relation to misconduct by another student" [emphasis added]. The result of this is that there is often no middle ground for complaints concerning actions or omissions of students which do not properly constitute misconduct. The effect is to leave students who cannot reconcile their disputes or differences with other students to either frame the complaint as a matter of misconduct or do nothing at all.

This presentation will explore the problems associated with this approach, especially where the circumstances complained of do not fall neatly into the category of *misconduct*. The issues will be elucidated via case studies, and a brief review of the published policy frameworks and approaches across the sector. The participants will then engage in discussion of possible best practice alternatives.

By progressing inter-student disputes in this way, the University removes the complainant's agency while it considers action directly against the respondent under the *Student Conduct Policy*, which gives no standing to the complainant. This means that such complaints may only be partially resolved or remain unaddressed by the outcome of the misconduct process. The policy also creates problems where the implementation of a student grievance resolution is dependent on the determination of a separate, appealable process. This means the resolution of a student's grievance may not be satisfactorily resolved if the misconduct outcome is appealed and overturned.

Keturah Whitford (ANU): *Dean of Staff at ANU: a new initiative – reflections one year on*

(Seminar Room 2 (3.02))

In mid 2018 the ANU appointed its first Dean of Staff. The role was intended to provide a similar service to staff as the Dean of Students has for many years provided for students. This presentation will outline the role of the Dean of Staff and reflect on the experience of the first year.

In 1965 the ANU introduced the role of Dean of Students and in July 2018 the role of Dean of Staff was established as part of the ANU's commitment to excellence and in upholding the values of being inclusive, open and respectful. In its essential features it mirrors the role in relation to staff that the Dean of Students provides for students. The Gender Institute lobbied for the creation of the role but there was support from other areas. The lack of staff support had become apparent where there had been some instances of poor student behaviour affecting staff where the student had the support of the Dean of Students but the staff member had no equivalent source of support. The appointment of the Dean of Staff is for 3 years on a 60% basis. I continue my previous role in the College of Business and Economics on a 40% basis. The Dean of Staff is separate from the Dean of Students but shares administrative support.

University Ombuds or Deans of Students have become relatively common at Australian universities but the role of Dean of Staff, however named, seems to be in its infancy. Field and Barnes refer to the role of the university ombuds as having "two basic functions. The first is to assist in the resolution of individual complaints, and the second is to contribute to the improvement of administration and teaching within the university". Broadly this applies to a staff equivalent role although the contribution is to the improvement of administration and the working environment in the university.

10.50 – 11.15 AM: Morning tea (25 min)

Session F (Seminar Room 1)

11.15 – 12.00 PM

PLENARY: Ms Sue Webeck, Manager, ANU Respectful Relationships
Unit: *Respectful Relationships*

12.05 – 12.35 PM

Linda Watson (WSU): *Investigating sexual offences: can we use a trauma informed model and meet procedural fairness requirements*

Australian Universities responded positively to the *Respect.Now.Always.* campaign, putting strategies in place, designing promotional collateral for their reporting systems, developing smartphone apps and self-reporting portals etc. All of these efforts should leave little doubt that a person has a right to complain if they're sexually harassed or sexually assaulted in their University space. All of these efforts should make it clear that sexual harassment and sexual assault are unacceptable, should not happen and will not be tolerated.

These are undoubtedly positive steps – great advances. But have we paid enough attention to reducing or minimising harm to the survivor that's incurred as a result of having to tell their story? Have you stopped to count the number of times a survivor has to go over the detail, how many people are involved, how many documents they have to sign or submit?

Can we run a procedurally fair disciplinary hearing if the accused person can't question the evidence of the survivor?

This presentation will raise these questions and more. It will ask you to think about an alternative model for gathering evidence – a trauma informed model. The presentation aims to be interactive, drawing on the expertise in the room. It's not intended to provide you with a packaged solution.

12.35 – 1.20 PM: Lunch (45 min). Campus tour optional.

Session G

1.20 – 1.50 PM (Parallel Sessions)

Patrick Tidmarsh (UMelb): *The psychology of sexual offenders: Developing cultures of prevention, wellbeing and perpetrator accountability*
(Seminar Room 1)

Forty years of research have led to a comprehensive understanding of the cultural, situational and individual pathology drivers of sexually abusive behaviours. It is now beyond dispute that sexual offending is widespread within our communities, that males are the overwhelming perpetrators, and that rates of offending are not declining. Sexual offenders and harassers find, create, and exploit vulnerabilities, particularly within situations where the chance of exposure and consequence are limited. Despite advances in our understanding, and significant recent increases in reporting, mechanisms for holding perpetrators accountable have progressed little.

Drawing on the research, this paper will discuss the background characteristics and pathology of sexual offenders and harassers. It will consider unique vulnerabilities and risk situations in higher education institutions and propose practical strategies for creating aware cultures and improving perpetrator accountability.

Kerry Cameron-Pratt (WSU): *Emotional labour: What is it, how it affects us, and how to look after ourselves*
(Seminar Room 2)

We all know what physical labour is, however, how many people have heard of “emotional labour”?

The term was first introduced by Arlie Hochschild in 1983 and in its simplest form relates to the process by which employers expect their employees to manage their feelings while doing their job and may include “surface” and “deep” acting.

It has been suggested that the further away from an employee's own emotions to the emotions expected from the employer, particularly when someone is angry or aggressive toward the employee, that it can lead to burnout. How can we recognise this and avoid burnout?

All of us here are engaged in emotional labour. Some of us will have natural abilities to deal with unhappy, aggressive or unreasonable people. Others may not and have to use learnt deep acting to attempt the same level of response.

The consideration of the “back story” of the employee and the people they are dealing with can also be important in understanding reactions and emotions.

This presentation will focus on what emotional labour is, how it can affect us and will provide some tips to help look after ourselves. It will also discuss how the back story of our clients, and our own, can be important in understanding reactions and emotions.

Kerry Cameron-Pratt, Senior Case Manager with the Complaints Resolution Unit at Western Sydney University will take us through:

- The origins of the term “emotional labour”
- How emotional labour can affect us
- How we might balance the expectations of our organisation while looking after ourselves at the same time
- How the backstory of our clients, and our own, can be important in understanding reactions and emotions

1.55 – 2.25 PM (*Parallel Sessions*)

Kate Borrett and Robert Simms (UAdelaide): Grievances, misconduct and unfair treatment: Proactive Intervention for students reporting incidents
(Seminar Room 1)

Prior to the release of the Australian Human Rights Commission *Change the Course* report, in August 2017, the University of Adelaide developed a *Safer Campus Community* website that outlines a range of services and responses to assist in student safety and to support students affected by unfair treatment. Students are able to report an incident of inappropriate, concerning or threatening behaviour such as bullying, discrimination, sexual harassment, sexual assault and stalking via an online ‘Behaviour and Conduct’ reporting site that enables the University to take action, where appropriate, in addition to providing advice and support.

Following receipt of an incident report, staff in Student Affairs - Student Conduct Advisors - respond to students who have experienced or witnessed an incident. The incident is formally recorded in a *Behaviour and Conduct Register*, to ensure that information relating to student behavioural incidents and critical incidents is captured in a single system. A proactive approach is adopted in meeting with students, soon after a report is submitted, to talk further about the incident and investigate the context in which the complaint has occurred. Where appropriate, students are encouraged to report an incident to the SA police.

This session will offer an overview of the University of Adelaide’s Student Behaviour and Conduct Committee (SBCC) procedure in responding to complaints and providing advice and support, as part of its investigation into allegations, and how this procedure interacts with the University’s Student Grievance and Resolution Process and Student Misconduct Policy with a focus on two case studies.

Thea Kremser (UNSW): Observations of a new complaint handler regarding healthy team functioning and impact on complainant experience
(Seminar Room 2)

Stepping into a senior university complaint handler role from a career in clinical psychology, academic research, medical education, and UX design, along with extensive personal

exploration in the field of wellness, gave Thea a unique perspective on her new team and its university context.

She shares her observations about

- dynamics and parameters that make a happy and healthy team
- the direct impact of team functioning on the experiences of complainants

Thea shares observations that surprised her, and what she has learnt in her short time.

Rather than a scientific review, this presentation contains Thea's subjective reflections. The objective is to leave participants with some food for thought and some practical tools to experiment with enhancing staff wellbeing in their teams.

2.30 – 3.00 PM

Kathryn Sanft and Roxanne Missingham (ANU): “It’s on a Needs to Know Basis...”

(Seminar Room 1)

Confidentiality. We all have a right to expect our privacy will be respected and that any complaint made will be managed with integrity, in a private and confidential manner. While privacy legislation, such as the Privacy Act 1988 (Cth) provides us with privacy principles, how do institutions navigate the line between privacy/confidentiality and keeping all parties informed, particularly when it comes to complex complaints management.

3.00 – 3.45 PM: Wrap up – where to next? Summary from pre-conference meeting. Next conference – when and where?