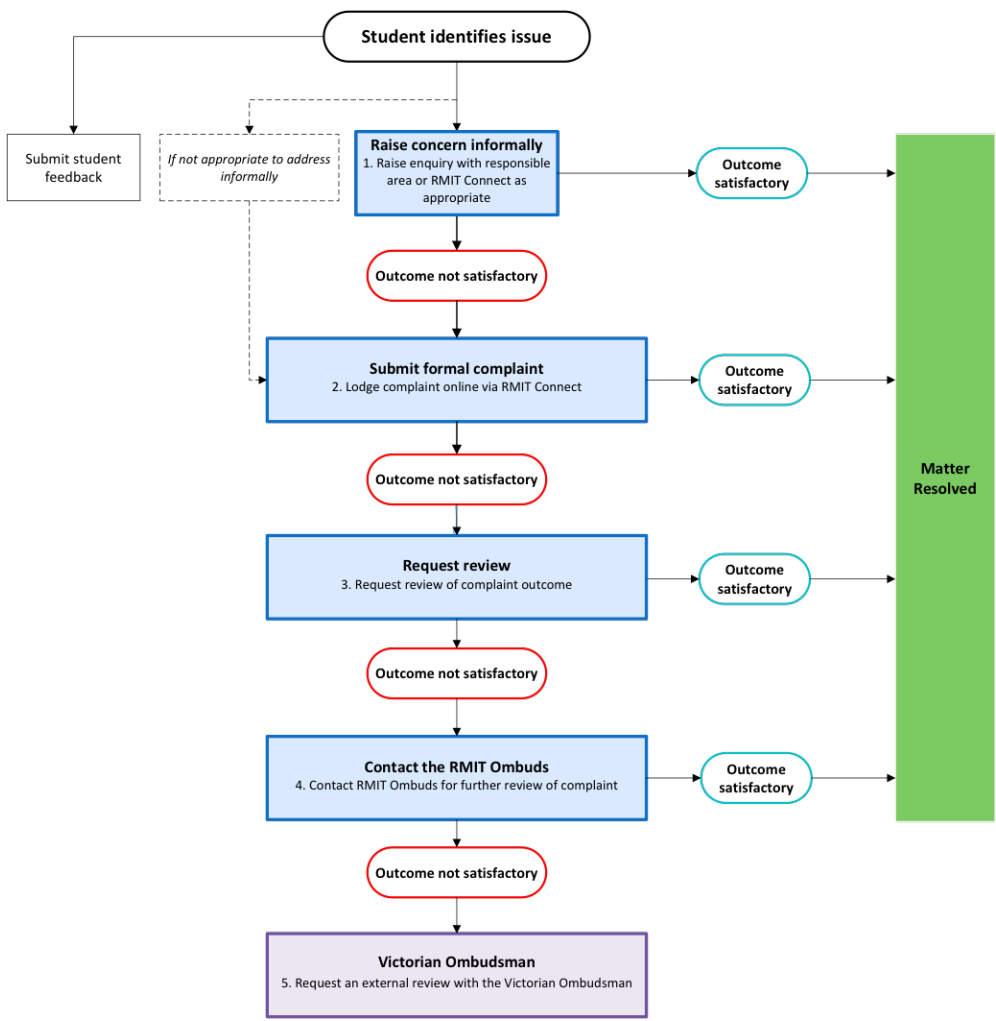


# The RMIT Ombuds

In 2002, the Office of the RMIT Ombuds was set up to help ensure that complaints, from both staff and students, are dealt with in a fair, equitable and appropriate way by the University. The Ombuds does this by enabling staff and students who allege a breach of University policy and procedure or of procedural fairness in the previous handling of their complaints, and who have exhausted all other internal avenues for addressing their complaint, to raise their concerns in confidence with an independent, impartial reviewer.

In most situations, you should try to address your concern directly to the relevant area in an effort to resolve matters in an informal and respectful manner. If you are dissatisfied with the outcome of these discussions your concern may then be formalised as a complaint by following the processes described at the student complaints website: <https://www.rmit.edu.au/students/student-essentials/rights-and-responsibilities/complaints>. You need to do your best to resolve your concern through the complaints process, which includes the option of a review of your complaint outcome. If having completed that process and you remain unhappy with the complaint outcome and have reasonable grounds to believe that your complaint has not been addressed through a fair and reasonable process then the Ombuds provides an avenue of confidential, independent and impartial review and may be able to assist you as a last RMIT resort. This sequence is illustrated in the flowchart below.



## What does the Ombuds do – and not do?

The Ombuds cannot undertake the initial investigation of your complaint or act as an advocate for you or anyone else. Rather, the RMIT Ombuds will review the previous resolution of your complaint by officers of the University. In particular, the Ombuds will investigate whether in making a decision or taking an action:

- the University has proper processes and policies in place and has followed those policies and processes, and
- you received procedural and substantive fairness (i.e. natural justice) in the resolution of your complaint.

In undertaking this review, the Ombuds will consider the arguments you have made and the responses by the University at each stage of your complaint. The Ombuds will check the evidence provided by you, or produced through the earlier investigations, including relevant facts and inferences, emails and other correspondence, publications, policies and processes. If gaps, oversights, inconsistencies or misinterpretations are identified in the earlier review of your complaint, the Ombuds will seek clarification about the matters of concern prior to reaching a determination.

The Ombuds cannot simply change the decision previously made by the University and implement a new decision. If the Ombuds concludes that the University's response to one or more of your claims erred in a way that might have had a material impact on the outcome then the Ombuds will uphold your complaint and recommend that RMIT review its earlier resolution. This does not mean that the Ombuds will be upholding your original claim, rather the Ombuds will have decided that the response you received was sufficiently flawed that it should be reconsidered by the University. Generally, when this occurs, the Ombuds will consult with an appropriate senior officer of the University and recommend on ways that the handling of your complaint might be improved. The Ombuds can also recommend changes in formal RMIT policies or processes, administrative procedures, publications and advisory processes with a view to longer term improvements in the situation that led to your complaint.

## What sorts of concerns can the Ombuds investigate?

The Ombuds can help you with administrative or academic complaints that you have first taken through the existing university channels. Your original complaint to the University may, for example, have related to your enrolment status or fee liability, the learning experiences provided, the information provided to you by the University, or your academic outcomes and progress. It might have been a complaint about the process by which a decision was reached, or an action that was taken by another student or a staff member, committee, board or any unit within the university or acting under the auspices of the university.

The Ombuds cannot review a matter of academic judgement. This includes academic assessments (e.g., your assignment or exam mark, your course grade or your RPL outcome), special consideration outcomes, student progress/exclusion decisions or research candidature progress decisions. Nor can the Ombuds review student conduct decisions. For each of these, the relevant policy or process provides an alternative appeal or review mechanism which enables you to ask for a review of the original decision that affected you. The academic or student conduct decision of that review or appeals committee or process is then final and the Ombuds cannot review it. If, however, your complaint is not about the actual academic or student conduct decision but rather about a failure of process or natural justice leading to, or in making, that decision, then this can be reviewed by the Ombuds.

## **What happens when you contact the Office of the Ombuds?**

You may contact the Office of the Ombuds directly by telephone and speak with the Executive Officer or write to the Ombuds' email address provided below. All initial contacts with the Office are treated as enquiries. If you telephone the Office, the Ombuds' Executive Officer will have a discussion with you in order to establish the nature of your concern. If you contact the office by email, the Executive Officer may be able to respond to your initial inquiry by email, but often will telephone you to ensure a fuller understanding of your concern. This will normally occur within one working day of the Executive Officer receiving the email.

The Ombuds' Executive Officer will generally be able to advise you about whether or not your complaint can be reviewed by the Ombuds. There are two main reasons that the Ombuds may not agree to investigate your complaint. Firstly, it may be that the matter you raise is outside the scope of the Ombuds and should be referred to some other part of the University. In such cases, the Executive Officer will advise you about how to progress the matter. Secondly, you may not have exhausted the internal processes for handling your complaint and you will be advised to do that first and await the outcome before the Ombuds will address your case. In either case, the Executive Officer may need to make further enquiries in order to be able to advise you. Note also that while your complaint is under investigation by a forum external to RMIT University, the Ombuds will normally not undertake or continue a review.

If your complaint is within the scope of the Ombuds to review, you will receive email notification and be asked to provide, by return email, formal authorisation for the Office to reveal that you have made the request. This is in order to source relevant documents and make necessary enquiries within the University. Disclosure of this information will be limited to those reasonably required and everyone involved in such enquiries is required by RMIT Ombuds policy to ensure that your identity and the substance of your review remain confidential. Note that it may sometimes be necessary to ask you for your permission to disclose in order to make enquiries prior to determining whether your request for a review can be investigated by the Ombuds.

## **What does the Ombuds need from you?**

In your submission to the Ombuds, you need to explain your concern as clearly as possible and the grounds for asking the Ombuds to undertake a review. Simply repeating or forwarding the arguments in your original complaint and saying that you do not agree with the outcome provided does not provide reasonable grounds for a review by the Ombuds. You need also to explain how you believe the previous handling of your complaint was unfair or unreasonable. This could include breaches of University policy and procedure or a lack of procedural fairness such as, for example, factual errors in the previous resolution, a failure to take into account evidence you provided, a failure to give you the opportunity to rebut or clarify information used in the resolution, or inferences or conclusions that appear unfair or inconsistent with the information available. You also need to explain what you would regard as an acceptable outcome to your complaint.

As the review progresses, the Executive Officer may contact you with requests from the Ombuds for further information and it will help the progress of the review if you are able to respond as soon as possible and in full.

## **When will you hear the outcome of the Ombuds review?**

The Ombuds will attempt to resolve your complaint in a timely manner but the time taken will depend partly on your case, its complexity and the ease or difficulty of sourcing additional information required by the Ombuds, and partly on external factors such as the number of other complaints being addressed at that time and the time of year and hence availability of relevant stakeholders. Generally speaking, however, the Ombuds will aim to provide a written determination within 30 days of receiving the formal authorisation from you. Meanwhile, the Executive Officer will provide you with regular updates about the progress of the investigation.

## **Contacting the Ombuds**

The Office of the Ombuds is generally staffed on Monday, Wednesday and Thursday with the Ombuds attending one day per week.

Telephone: 03 9925 2930

Email: [ombuds@rmit.edu.au](mailto:ombuds@rmit.edu.au)