Unreasonable Student Complainant Conduct Procedure

1 Purpose

To establish the process for the fair and consistent management of unreasonable complainant conduct by Students.

2 Scope

This Procedure applies to all Employees involved in a Student complaint process.

3 Procedure Overview

This Procedure describes unreasonable complainant conduct by Students and appropriate responses to this conduct.

This Procedure aligns with the:

- *Higher Education Standards Framework (Threshold Standards) 2021:* Standard 2.4 Student Grievances and Complaints
- *National Code of Practice for Providers of Education and Training to Overseas Students (2018):* Standard 10: Complaints and Appeals

4 Procedures

Unreasonable complainant conduct is any behaviour by a Student that because of its nature or frequency, raises substantial health, safety, resource or equity issues for the Employees involved in the complaint process.

4.1 Unreasonable complainant conduct

When determining whether conduct is unreasonable, the likely impact of the conduct on other people, the merit of the issues raised in the complaint, the Student's circumstances, and proportionality should be taken into consideration.

Unreasonable complainant conduct is not limited to verbal communication but may appear in written correspondence or via digital platforms.

Table 1: Categories and examples of unreasonable complainant conduct

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Category	Examples
Unsubstantiated allegations	• Making allegations about the complaint management process or allegations of, for example, bias, Discrimination, Vilification or defamation against Employees managing the complaint process, without any evidence to substantiate the allegations.
Unreasonable persistence	• Persistently refusing to accept reasonable and logical explanations or refusing to accept that further action cannot or will not be taken on a complaint • Persistently demanding a review of Decisions that have been comprehensively considered and dealt with • Inundating Employees with phone calls, visits, letters, emails (including cc'd correspondence) after repeatedly being asked not to do so • Contacting different Employees to demand an alternate outcome or a response to their complaint without presenting a valid or pressing case for one
Unreasonable demands	• Making demands about how Employees should handle their complaint, its priority status or the outcome that was or should be achieved • Insisting on outcomes that are not possible or appropriate in the circumstances, such as demanding termination of employment or prosecution, demanding an apology or compensation when there is no reasonable basis for expecting this • Repeatedly demanding services that are of a nature or scale that the University cannot provide.
Unreasonable arguments	• Arguing frequently or with extreme intensity that a particular solution is the correct one in the face of valid contrary arguments and reasonable explanations • Not supported by any evidence or are based on irrational beliefs • Failing to follow a logical sequence that the complainant is able to explain to Employees

Unreasonable actions and statements	• Abusive, derogatory, insulting or offensive communications or correspondence • Threats of aggression or harm to self or third parties

4.2 Responding to unreasonable complainant conduct

Strategies that University Employees may use to de-escalate the behaviour include:

1. remaining calm and open-minded
2. using an appropriate communication style
3. summarising the complaint and asking the complainant to confirm that all issues raised have been correctly understood
4. explaining processes and outcomes
5. separating the complainant's conduct from the complaint they have raised
6. encouraging the Student to seek support (e.g. Student Guild Advocacy Officer or Student support services))
7. seeking guidance from other colleagues or a supervisor
8. managing expectations about the complaint management process and possible outcomes.

If de-escalation strategies are ineffective, Employees may apply appropriate and proportionate informal strategies to respond to the behaviour. These may include:

1. naming the behaviour, explaining why it is a problem and asking the Student to stop the behaviour
2. setting the limit on the length of telephone calls or meetings at the beginning and keeping to the allocated time, even if items for discussion remain
3. providing a warning, if possible, that the phone call or meeting will be ended if the behaviour does not stop and then stopping the call or meeting if the behaviour continues
4. advising that an in-progress telephone call or meeting is not productive and that a call or meeting will be arranged again at another time

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5. setting aside voluminous correspondence and asking the Student to summarise their Complaint in order for it to be properly considered.

Employees are responsible for keeping a record of interactions and any informal strategies applied in response to the behaviour.

4.3 Issuing a written warning

If a Student's conduct continues to be unreasonable and informal strategies have not been effective, the Student will be issued with a written warning about their conduct in the first instance.

The written warning will clearly explain why the Student's conduct is problematic and should immediately cease and will also list the relevant types of access restrictions that may be imposed if the behaviour continues.

4.3.1 Consulting with relevant Employees

In deciding on the relevant level of access restrictions that may be imposed if the behaviour continues, the Dean (Students) will consult with relevant Employees to ascertain, for example:

1. the circumstances that led to the unreasonable complainant conduct
2. the impact or likely impact of the Student's behaviour on Employees, time, resources etc.
3. the Student's responsiveness to any previous requests to stop the unreasonable conduct
4. other actions Employees have taken to manage the Student's behaviour, if any
5. any relevant personal circumstances or special needs of the Student
6. options put forward by relevant Employees for managing the situation, if any.

4.3.2 Considering applicable criteria

Following consultation with relevant Employees, the Dean (Students) will consider the following criteria:

1. the likelihood that the Student will modify their unreasonable conduct if they are given a written warning about their conduct

2. whether restricting access will be effective in managing the Student's conduct

3. whether restricting access will have an undue impact on the Student's welfare or compromise their access to study

4. whether the Student's personal circumstances have contributed to the unreasonable conduct

5. whether the Student's response or behaviour was moderately disproportionate, grossly disproportionate, or not at all disproportionate in the circumstances.

4.3.3 Decision on proposed level of restrictions

Once the Dean (Students) has considered these criteria, they will decide on the level and type of restrictions that may be imposed if the behaviour continues. These will be detailed in the written warning and provided to the Student.

This may include restricting:

1. who the Student has contact with, such as limiting interaction to a sole contact person

2. the scope or subject matter of communications that the University will consider and respond to

3. when the Student can have contact, such as limiting contact to a particular time, day or length of time, or the frequency of contact with the University

4. where the Student can have contact, such as limiting access to designated areas of the University

5. how the Student can make contact, such as via a dedicated email address.

Strategies may vary from case to case, according to the circumstances, and more than one strategy may apply at any given time.

4.4 Imposing restrictions

If a Student's unreasonable conduct continues after they have been given a written warning, the Dean (Students) will send formal notification of the University's intention to impose the restrictions to the Student's access detailed in the written warning.

The formal notification will:

1. reiterate the restrictions that will be imposed and what it means for the Student
2. provide clear and full reasons for this restriction
3. specify the duration of the restriction imposed, which normally will not exceed 12 months
4. indicate a time period for review
5. provide the name and contact details of the Employee who they can contact to discuss the formal notification
6. advise the Student that ongoing unreasonable behaviour may constitute General Misconduct and the Student may be subject to disciplinary action, in accordance with the Student General Misconduct Procedure.

4.4.1 Notifying other Employees

Where a Student is restricted from entering designated or all areas of the University's premises, the Dean (Students) must ensure all relevant Employees and service areas of the University (such as security, administration areas and the library) are notified, in accordance with relevant privacy and confidentiality obligations.

The Dean (Students) must also ensure that any restriction affecting a Student's access to Employees or University services is appropriately communicated to other relevant areas, in accordance with relevant privacy and confidentiality obligations.

4.4.2 Reviewing restrictions

The Dean (Students) will review any restrictions imposed on a Student in accordance with the timeframe stipulated in the formal notification. A review may also be undertaken following any further incidents involving the Student.

The Dean (Students) has the discretion to invite the Student to participate in the review process but should consider the possibility it may provoke further unreasonable conduct.

As part of the review, the Dean (Students) should consider:

1. the Student's compliance with the restriction
2. the effectiveness of the restriction in managing the Student's conduct
3. any information or submissions made by the Student about the restriction
4. any other information that may be relevant in the circumstances.

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If the Dean (Students) decides that the restriction has been ineffective in managing the Student's unreasonable conduct, they may decide to modify the restriction, impose further restrictions or terminate access to University services altogether.

Ongoing unreasonable behaviour may constitute General Misconduct and the Student may be subject to disciplinary action, in accordance with the Student General Misconduct Procedure.

4.4.3 Notification of the outcome of a review

The Dean (Students) will advise the Student in writing of the outcome of their review. The review notification will:

1. identify the factors that have been considered during the review

2. explain the outcome of the review and the reasons for it. If the outcome of the review is to maintain or modify the restriction, the review notification will also:
    a. indicate the nature of the new or continued restriction

    b. state the duration of the new restriction period

    c. provide the name and contact details of an Employee who the Student can contact to discuss the review outcome.

The Dean (Students) is responsible for ensuring all relevant Employees and areas are notified of the outcome of the review, including if the restriction has been withdrawn.

4.5 Reconsideration of a Decision to impose restrictions

Students who have their access to University services or Employees restricted are entitled to one request for reconsideration of the Decision. Requests must be made in writing to the Dean (Students) within five (5) University Business Days of the date of the formal notification unless the Student can provide reasonable justification for the delay in requesting reconsideration of the Decision.

Students must clearly outline in their request why they believe the restrictions should not be imposed and provide supporting documentation, where applicable.

This reconsideration will be undertaken by the Dean (Students), or a senior Employee appointed by the Dean (Students) who was not involved in the original Decision to restrict the Student's access.

The Dean (Students), or nominee, will consider:

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1. the Student's submissions
2. all relevant records of the Student's previous conduct
3. whether the process adopted by the University conforms with this Procedure and any associated Policy Instruments
4. whether the principles of Procedural Fairness were evident in the process.

The Dean (Students), or nominee, will advise the Student in writing of the outcome of the reconsideration within three (3) University Business Days of receipt of the reassessment request.

If the Student is dissatisfied with the University process, including the reconsideration process, they may seek an external review by the Queensland Ombudsman.

4.6 Record-keeping and reporting

The Dean (Students) is responsible for ensuring all associated records, including the detailed process followed, interactions with the Student and the basis of Decisions made, are sent to the Student Grievance Resolution Unit.

The Dean (Students) is responsible for coordinating reporting on the number and type of cases where this Procedure is applied, in accordance with section 4.8 of the Complaints Management Procedure.

5 References

Nil.

6 Schedules

This procedure must be read in conjunction with its subordinate schedules as provided in the table below.

7 Procedure Information

Accountable Officer	Deputy Vice-Chancellor (Students and Education)
Responsible Officer	Dean (Students)
Policy Type	University Procedure
Policy Suite	Complaints Management Policy

Subordinate Schedules	
Approved Date	2/1/2026
Effective Date	2/1/2026
Review Date	8/3/2028
Relevant Legislation	*Australian Human Rights Commission Act 1986* *Disability Services Act 2006* (Qld) *Education Services for Overseas Students Act 2000* *Human Rights Act 2019* *Work Health and Safety Act 2011* (Qld)
Policy Exceptions	Policy Exceptions Register
Related Policies	Records and Information Management Policy Student General Conduct Policy
Related Procedures	Records and Information Management Procedure Student General Misconduct Procedure
Related forms, publications and websites	Managing Unreasonable Complainant Conduct: Queensland Ombudsman Student General Misconduct Procedure Penalty Schedule
Definitions	**Terms defined in the Definitions Dictionary**
	Decision A determination made by an Employee, contractor or other authorised delegate in the course of their duties on behalf of the University. Discrimination Occurs when a person or a group of people are treated less favourably than another person or group because of race, colour, national or ethnic origin; gender or marital status; disability; religion or political beliefs; sexual preference; or some other central characteristic. Discrimination may occur when a person is denied the opportunity to participate freely and fully in normal day-to-day activities, for example being harassed in the workplace or being denied entry to public places and other facilities. Interpretation Rule:

Unless context otherwise requires, a reference to 'discrimination' (or other grammatical forms of any of this term) wherever appearing in University policy or procedure, and whether or not those terms are capitalised in any such instrument, is taken to include a reference to 'Antisemitism' as defined in the Definitions Dictionary .

Employee

A person employed by the University and whose conditions of employment are covered by the Enterprise Agreement and includes persons employed on a continuing, fixed term or casual basis. Employees also include senior Employees whose conditions of employment are covered by a written agreement or contract with the University.

Procedural Fairness

Has the meaning ascribed to it from time to time by the applicable common law of the State of Queensland.

Racism

A person's race includes their: colour; and descent or ancestry; and ethnicity or ethnic origin; and nationality or national origin. Racism is the process by which systems and policies, actions and attitudes create inequitable opportunities and outcomes for people based on race. Racism occurs when prejudice - whether individual or institutional - is accompanied by the power to discriminate against, oppress or limit the rights of others. The Anti-Discrimination Act 1991 (Qld) makes it unlawful to discriminate against a person because of their race.

Student

A person who is enrolled in a UniSQ Upskill Course or who is admitted to an Award Program or Non-Award Program offered by the University and is: currently enrolled in one or more Courses or study units; or not currently enrolled but is on an approved Leave of Absence or whose admission has not been cancelled.

University

The term 'University' or 'UniSQ' means the University of Southern Queensland.

University Business Days

The days of Monday to Friday inclusive between 9am and 5pm

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	Australian Eastern Standard Time (AEST), with the exclusion of gazetted Public Holidays for the relevant campus location, plus the closure of the University between 25 December and 1 January in the following year inclusive as specified in the Enterprise Agreement, as well as any closure of the University either at one or several campuses in accordance with a direction of the Crisis Management Team. Vilification The public incitement of hatred, serious contempt or severe ridicule of a person on the basis of the race, religion, sexuality or gender identify of a person or members of a group. It can take several forms including hate-speech, graffiti, websites and the distribution of propaganda or other forms of offensive literature. Vilification includes threatening physical harm to a person or their property or inciting others to threaten physical harm to a person or to their property. Vilification is an offence against the Anti-Discrimination Act 1991 .
	Definitions that relate to this procedure only
Keywords	Complaint management, review of Decision, Procedural Fairness, complainant, unreasonable behaviour, warning
Record No	21/273PL

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