

Treatment | Education | Research

# Student Grievance Policy

## Academic and Non-Academic Matters

<b>Policy name</b>	Student Grievance Policy – Academic and Non-Academic Matters
<b>Policy number</b>	SSP007
<b>Date approved</b>	4 October 2016
<b>Approving body</b>	The Cairnmillar Institute Academic Board
<b>Responsible officer</b>	Head of School
<b>Implementation officer</b>	The Head of School
<b>Next review date</b>	18 February 2015
<b>Linked policies</b>	Student Misconduct Policy SSP002 Student Review Policy SSP008
<b>Linked forms</b>	

## Purpose of this policy

The Cairnmillar Institute (the Institute) is committed to implementing effective grievance procedures that, where possible, *are* managed quickly *at the local level and with a* minimum number of people involved. The resolution process focuses on a rapid re-establishment of good working relationships and positive outcomes.

### The following principles apply:

- A grievance is owned by a complainant who has the right to withdraw the complaint at any stage and choose to alter the process of resolution (for instance, formal to informal). The police must be contacted in cases of possible criminal behaviour.
- Action is commenced within two weeks of a formal complaint being made.
- All parties have a right to confidentiality and privacy, subject to necessary legal requirements.
- All students and staff are informed of the grievance procedures.

- If the grievance fits within equal opportunity legislation, it is managed under the relevant guidelines.
- Impartial mediation by a trained mediator is available if needed.
- Information relevant to the grievance is provided to staff and students involved in a complaint.
- Natural justice principles are applied to ensure procedural fairness.
- Referral to an appropriate independent person to assist the effective and rapid resolution of any grievance is available if required.
- Students and staff are protected from victimisation.
- The focus for the resolution is on issues, rather than individuals.
- This policy, which is detailed below is widely disseminated to students at orientation, in marketing material and on the Institute's web site.

## Grievance Procedures

### Purpose of this policy

The purpose of this policy is to provide a procedure which enables enrolled students and students seeking to enrol, the ability to pursue grievances that are not covered by other, specific policies and procedures.

#### **The policy endeavours to establish procedures through which:**

All parties have access to clearly defined processes designed to facilitate resolution of grievances

- Grievances are addressed in a timely and equitable manner
- The principles of natural justice are observed in the conduct of proceedings to which this policy relates

#### **The policy also endeavours to establish a framework within which members of the Institute community are encouraged to:**

- Resolve issues as close to source as possible
- Undertake appropriate actions to address systemic or underlying causes with a view to preventing problems from occurring or recurring.

#### **Natural Justice requires that:**

- The person affected by a disputed matter be given the right to present his/her case including the opportunity to be heard, be provided with adequate notice of the allegations and the procedures to be used; and
- Members of the decision making body be free of bias and perceived bias or other personal interest in the outcome

#### **The policy ensures that the following is strictly adhered to:**

- Victimisation: The Institute must ensure that the grievance policy does not victimise against any complainant or respondent.

- **Discrimination:** The Institute must ensure that the grievance policy does not discriminate against any complainant or respondent.
- **Third party assistance:** Complainant and or respondent may be accompanied and assisted by a third party (such as a family member, friend, counsellor or other professional support person) if desired at any stage of the grievance resolution procedure.
- **Communication with the complainant and or respondent:** At all stages of the process, if so requested by the complainant and/or respondent, the Institute must give reasons and a full explanation in writing for decisions and actions taken as part of the procedures. The Institute provides support and advice to students and prospective students who require assistance beyond that provided by the Institute itself.

## Scope

This procedure applies to any academic or non-academic aspect of a student's experience at the Institute.

**This procedure covers, but is not limited to, grievances which may arise as a result of:**

- Payment of fees;
- Student charges;
- Enrolment;
- Course transfer;
- Minimum course component;
- Graduation;
- Time limits for completing rationalised/discontinued/modified courses; and,
- Interaction with institute staff; and
- Personal information
- Assessment and examinations
- Student discipline
- Network discipline
- Credit transfer
- Recognition of prior learning
- Class timetables
- Other academic related matters.

## Student

For the purposes of this procedure a student is a person who is enrolled or is seeking to enroll, in any course/subject/module/competency offered by the Institute, regardless of the location at which the grievance has arisen, the student's place of residence or the mode of study. The term 'student' in these procedures can also refer to a group of students.

## Head of Unit

Head of School, Academic Registrar, or their equivalent/s

## Grievance

A complaint presented by an individual, or a group, based on the opinion of that individual or group that he/she or they are, or have been, receiving unfair treatment.

## Grievance Procedure

A prescribed set of processes need to be followed when a grievance is presented.

## Publication

A copy of these procedures are provided to all staff and students as part of staff/student induction and orientation programs and will be made publicly available on the Institute's website [www.cairnmillar.edu.au](http://www.cairnmillar.edu.au) and in staff and student information handbooks.

## Staff Training

All staff are informed of and trained in the application of this policy as part of ongoing staff training programs including induction and orientation programs.

## Fees/Costs

There are no costs imposed on students by the Institute for lodging or participating in grievance procedure activities conducted either internally or through the Institute's nominated external review process.

## Grievance Procedures

### 1. Actions which give rise to a grievance

A grievance arises when a student has no other avenue of redress available to him or her under the procedures of the Institute for what he/she considers to be unfair treatment.

### 2. Resolving a Grievance

#### 2.1 Informal Resolution

- 2.1.1 In the first instance, the student will normally discuss the grievance informally with the relevant staff member who must try to resolve it. Where it appears that the grievance is to be dealt with under another Institute policy the staff member must immediately refer the student to the appropriate policy. Where a student is unable to make contact with or is reluctant to approach the relevant staff member, the student may then raise the matter with the Course-Co-ordinator.
- 2.1.2 Students must initiate the informal review process within ten (10) working days from the date of the occurrence which gives rise to the grievance or the date the circumstances giving rise to the grievance are brought to the student's notice/the student becomes aware of the circumstances giving rise to the grievance.
- 2.1.3 During the informal process, the staff member/Course Co-ordinator (as the case may be) may take such action as deemed appropriate to resolve the matter. This must include discussing the matter with the student, and may also include, but is not limited to:
  - Reviewing the student's records; and/or
  - Discussing the matter with other members of staff; and/or
  - Allowing the student to re-submit documentation where the staff member has reason to believe that the student had valid grounds for misunderstanding relevant requirements.
- 2.1.4 The informal resolution process must be completed within ten (10) working days from the date on which the student contacted the relevant staff member of the unit.

The Head of School may grant an extension not exceeding five (5) working days if it seems likely that the matter may be resolved in that time.

**2.1.5** The student must be advised in writing within two (2) working days of the conclusion of the informal resolution process (by Express Post notice to the student's semester address and by email (where the student has provided his/her email address) of:

- The outcome of the informal resolution process;
- The availability of support services at the Institute; and
- The appeals mechanism.

### **3. Formal Resolution**

**3.1** If a student is not satisfied with the outcome of the informal resolution process, he/she may submit a formal grievance in writing to the Head of School. This request must be submitted within five (5) working days of the date of notification of the outcome of the informal resolution process.

**The student's letter must:**

- State the reason/s for the grievance;
- Detail the outcome of the informal resolution process;
- Include any specific issues which the student wishes to present to the Head of School;
- Where relevant, attach copies of documentary evidence.

**3.1.1 The Head of School considers formal grievances by:**

- Reviewing the student's letter and the outcomes of the informal resolution process;
- Verifying that all appropriate procedures have been correctly carried out;
- Seeking additional information from appropriate staff concerning the subject of the grievance;
- Discussing the matter directly with the student;
- Undertaking other action as appropriate.

**3.1.2 After consideration of all of the available evidence, the Head of School must decide to do one of the following:**

- (a) Dismiss the grievance; or
- (b) Uphold the grievance and direct that:
  - Reparation as appropriate be made to the student; *and/or*
  - Where relevant, the student's enrolment status be restored; *and/or*
  - Where relevant, that administration systems, policies or procedures be reviewed;
  - Appropriate actions to address systemic or underlying causes (*if any*) be undertaken, with a view to preventing problems from occurring or recurring; *and/or*
  - Where the grievance relates to assessment and it is considered appropriate, grant the student an opportunity for re-assessment; *and/or*
  - Other actions as appropriate;

- 3.1.3** The student must be informed of the outcome in writing within ten (10) working days of submission of the formal grievance as identified by the date of receipt of the student's letter [See 4.1]
- 3.1.4** If the Head of School and all suitable nominees have already been involved in the process, or have some other conflict of interest, the Executive Director must appoint another person to investigate the formal grievance.

## **4. Appeals**

### **4.1 Grievance Appeals**

A student has the right of appeal to the Grievance Appeals Committee from a decision of the Head of School

**Appeals may be on one or more of the following grounds:**

- That the case was not heard on its merits;
- That the student is able to provide new evidence which could not reasonably have been provided at the time of the Head of School investigation;
- That a procedural irregularity has occurred in the hearing of the grievance during the investigation by the Head of School.

#### **4.1.1 A student who wishes to appeal against a decision of the Head of School must:**

- Lodge the appeal with the office of the Executive Director;
- Lodge the appeal in the format shown below;
- Lodge the appeal within five (5) working days of receipt of written notification of the decision of the Head of School.

#### **4.1.2 The written appeal must:**

- State the grounds on which the appeal is made, in accordance with section 4.1 of this policy;
- Detail and, where appropriate, provide evidence relevant to the grounds for appeal. A copy of documentary evidence referred to in the letter of appeal must be attached. (Failure to present evidence referred to in the letter of appeal is taken into account by the Grievance Appeals Committee.)

#### **4.1.3 Upon lodgement of the written appeal, the Executive Director is required to:**

- Check that the written appeal substantially complies with the format required in section 4.4;
- Check that, where reference is made to supporting documentation, a copy of the documentation is attached;
- Check that the student has included a description of the relevant evidence in relation to the grounds for appeal to the Grievance Appeals Committee; and
- If applicable, consider the reasons provided for the late lodgement of an appeal and determine whether or not these are such as to warrant the appeal proceeding.

Where, in the opinion of the Executive Director, the appeal does not comply with one or more of these criteria the Executive Director can return the documentation to the student with a request for compliance.

## 5. Format of Appeal Letter

The Executive Director  
The Cairnmillar Institute  
993 Burke Road  
Camberwell VIC 3124

I hereby lodge an appeal pursuant to the decision of the Head of School advised to me by *(insert date of notification)*.

The grounds of my appeal is/are: *(insert ground(s) as appropriate)*

In support of this appeal, I submit the following information for consideration by the Grievance Appeals Committee.

*(include summary of all relevant information or material here)*

*Student Signature*

**Date:**

**Family Name:**

**Given Name:**

**Student ID: *(where relevant)***

**Address for notices:**

**Contact telephone:**

**Email address:**

## 6. Grievance Appeals Committee

Once the appeal has been accepted the Request for Appeal must be forwarded to the Grievance Appeals Committee.

### 6.1 The composition of the Committee must be:

- a) The Executive Director or nominee, who must be Chair of the Committee;
- b) One independent staff member;
- c) One independent Student representative;
- d) Where a member of staff is required to attend an appeals hearing, a representative of the staff may be invited to attend the meeting of the Committee in an advisory capacity.

*Both genders are normally represented.*

In allocating appeals to the Committee, the Executive Director must select a Committee Chair and a staff member who are from an area other than that in which the student is concerned.

### 6.1.1 The Academic Registrar or nominee attends and acts as Secretary to the Committee and must:



- Collate all documents relevant to the appeal hearing (including the “Grievance Form” referred to in section 3) and disseminate to all parties;
- Establish a date, time and place for the appeal hearing and advise all parties in accordance with section 2.5.3;
- Maintain a record of the proceedings of the appeal hearing and the decision(s) taken;
- Advise the Executive Director of the outcome of the appeal immediately after the proceedings have concluded;
- Draft the letter advising the student of the outcome of the appeal for the Chair’s approval prior to obtaining the Executive Director’s signature; and
- Ensure that a copy of all documentation is maintained on the official file in the Record Management System.

**6.1.2** Where an appeal has been forwarded to the Grievance Appeals Committee, a meeting of the Committee must be convened within 15 working days of lodgement of the letter of appeal. All participants must be given at least 5 days notification in writing of the time, date and place at which the appeal is to be heard. Notification will be forwarded to the student via express mail to his/her semester address.

**6.1.3** The hearing must be held in camera. The Committee must regulate its own proceedings. The Committee may call before it any witnesses to provide additional evidence.

**6.1.4** The student must be given the opportunity to appear in person before the Committee and to call witnesses. An advocate, who is not a member of the Committee, may represent the student.

**6.1.5** The student must be given the opportunity to hear and examine the evidence of all witnesses called before the Committee.

**6.1.6** The Committee must hear the matter on its merits, taking account of all of the circumstances of the case.

## **7. Decision of the Committee**

**7.1** After consideration of all of the available evidence, the Committee must reach its decision by consensus or, if a consensus cannot be reached, by a majority vote, of the members. In the event that the Committee consists of four (4) members (see section 4.2.1 (d)), the Chair has a casting vote. Otherwise, Committee members have equal voting rights. The Secretary does not have voting rights.

### **7.1.1 The Committee may:**

- a) Confirm the decision against which the student has lodged his/her appeal;
- b) Uphold the appeal and/or c) and/or d) and/or e) as applicable
- c) Modify the directions of the Head of School
- d) Direct that appropriate actions to address systemic or underlying causes (if any) with a view to preventing problems from occurring or recurring be undertaken;
- e) Refer the matter to an external mediator and/or
- f) Take other action as appropriate.

### **7.1.2 The Secretary must then:**

- a) Document the decision and reasons for the decision;
- b) Contact the Executive Director as soon as the decision has been made to brief him/her of the outcome;
- c) After briefing the Executive Director, draft the written communication for the Chair’s approval prior to obtaining the signature of the Executive Director;

- d) Send the signed communication (which must include the reasons for the decision) to the student by express post within five (5) working days of the Committee's decision being made;
- e) Provide copies of the decision to other appropriate parties;
- f) Update the Records management file as required.

There is no further appeal against the decision of the Grievance Appeals Committee to any other officer or body within the Institute.

## 8. External Dispute Resolution

The third stage of the process at which a complaint is addressed is as follows:

Students who are dissatisfied with the internal grievance process have a number of external appeal options.

Students can take their grievance or complaint, to a mutually agreed independent mediator or arbitrator, nominated by the student, or by the Institute. There may be costs involved for lodging an external grievance, complaint or appeal.

The Institute maintains the right to request an external representative from another higher education provider to act as an independent external mediator.

The student may seek the assistance of a professional association such as **Leadr** and are referred to their website at [www.leadr.com.au](http://www.leadr.com.au)

The student is liable for any fees if an independent mediator is involved in the matter

International students maintain the right to take a complaint or grievance to the Overseas Students Ombudsman. The Australian Government provides a free service for international students. Further information about the service can be found at Ombudsman: [www.oso.gov.au](http://www.oso.gov.au)

## 9. Record Keeping

- Confidentiality must be strictly observed throughout the grievance process.
- Records of all grievances and applications for review of decisions must be kept and be accessible to all interested parties for a minimum period of five years. Such records must remain confidential.
- Records of grievances and their outcomes must be kept strictly confidential and filed in a separate file (not kept in the student or staff file) and stored in the office of the Executive Director for a minimum period of five years. Parties to the complaint must be allowed supervised access to these records.