

Student Non-Academic Complaints Policy

Accountability	Academic Dean
Operational Responsibility	Faculty
Date of Approval	Dec 2017
Next Review	Q2 2018
Approval Authority	T&LSPC Academic Board

Objectives

LCI Melbourne is committed to providing a welcoming and safe environment for all students. The overarching ethos of LCI Melbourne fosters values of fairness, equity and respect, which are necessary to nurture amicable interactions amongst students and between students and employees. The Student Non-academic Complaints Policy is in place to support students who feel that their concerns regarding general non-academic rights to a secure space and fair treatment have been violated.

Scope

This policy includes exchanges between employees and students and interactions among students.

Exclusions

This policy and its related procedures do not apply to concerns regarding harassment or academic complaints.

Definitions

Non-academic Complaints

This policy concerns the handling of general non-academic complaints, which involve services, facilities and resources provided by LCI Melbourne. Examples of non-academic concerns include, but are not limited to, admission issues, directed rudeness or mistreatment on the part of an employee or another student, misinformation that created a negative situation, a safety issue or theft by others of personal property.

Harassment-related Complaints

LCI Melbourne differentiates between academic and general non-academic complaints and cases of harassment, which are addressed in the *Student Bullying and Harassment Policy*. LCI Melbourne defines harassment as any offensive or inappropriate conduct or comment that the person making the comment or engaging in the conduct knows or reasonably ought to know is unwelcome by another person, or which adversely affects a person's dignity or physical or psychological safety, or which results in a harmful work environment.

Academic Complaints

For concerns regarding academic instruction or grading, students should refer to the *Academic Complaints and Appeals Policy*.

Provisions

LCI Melbourne encourages all students to report any problems they encounter regarding services, facilities and resources offered by LCI Melbourne and communicating with employees or other students. If any difficulties are not quickly resolved, they can negatively affect other aspects of the student's life. Thus, it is important to make a complaint as soon as possible to ensure that an agreeable interaction is once again established.

A claim to be speaking on behalf of one or more others is not recognised. In bringing forth a complaint, present an idea oriented toward a positive solution.

Complaint and Investigation Procedures

This Policy outlines both informal and formal complaint options. During the complaint process, all information obtained concerning employees or students is treated with the highest level of confidentiality. To the extent that there is an allegation of criminal activity, it is incumbent on LCI Melbourne to report the incident to the police and fully cooperate with any investigation that may follow.

Regardless of whether a complaint is made or not, LCI Melbourne reserves the right to unilaterally investigate any behaviour it considers a violation of this, or any other policy. LCI Melbourne also reserves the right to:

1. treat a complaint as a formal complaint or an informal complaint, and/or to proceed with a complaint, regardless of the wishes of the complainant;
2. appoint an external or internal investigator(s) as the situation merits.

For issues that are not interpersonal, before filing a formal complaint the student is invited to meet with his or her immediate supervisor. The immediate supervisor may consult with other persons to try to resolve the complaint informally.

Informal Resolution Option

For interpersonal disputes, before filing a formal complaint, the student must attempt to settle the issue with the person concerned, insofar as possible and provided there is no immediate threat to his or her safety. In many situations, simply informing the person that his or her behaviour is unwelcome will resolve the issue. Telling the person to stop may be difficult, but frequently it is the most effective means of eliminating the problem. If it is too difficult to speak to the person directly or if the behaviour persists, the matter should be discussed with the LCI Melbourne President.

The President will assist in the resolution of the matter and for that purpose may:

- address the matter informally with the person or accompany the complainant in doing so;
- in consultation with the student and HR Services, attempt mediation to resolve the matter;
- in particularly serious circumstances, initiate a formal investigation of the matter.

The President will keep the complainant apprised of the steps the President is taking to address the matter, including any proposed resolution initiatives. The President will review any proposed resolution with HR Services and will lodge a record of such action once the matter has been resolved. This action will be completed as soon as possible (normally within 14 days, unless a longer period is appropriate in the circumstances).

If this initiative does not lead to a satisfactory agreement, the person with a complaint is invited to submit a formal complaint, pursuant to the procedure detailed below.

Formal Complaint Option

In a situation where the President is implicated in any manner in the complaint, the complaint must be submitted to an LCI Melbourne administrator who is not implicated, and the provisions of this Policy shall apply to that person's handling of the complaint.

At any time, the President may delegate the task of following-up on the complaint to an appointee (hereinafter referred to as "the appointee").

The investigation will be completed and the appropriate resolution decided upon as soon as possible (normally within 30 days after a formal written complaint is made, unless a longer period is appropriate in the circumstances in which case the complainant will be notified of the proposed time frame).

At any stage during the process, the complainant has the right to withdraw from any further action in connection with a formal written complaint. However, the person handling the complaint will remain obligated to pursue the matter if that person believes that continued investigation is appropriate (for example, if there are concerns that

the withdrawal of the complaint occurred as a result of possible retaliatory behavior by the respondent or others, or in cases where there are previous complaints or incidents involving the respondent).

Complaint and Investigation Procedure

The following directives guide the complaint procedure.

The student (hereinafter referred to as "the complainant") who wishes to make a formal complaint must submit a Student General Complaint Form (see Appendix 1, this policy) to the President. Ordinarily, a complaint will only be accepted if made within 6 months of incident or incidents being complained of, unless the President (or an appointee), in its discretion, determines there are extenuating circumstances for the time delay.

Upon receipt of a formal written complaint, the recipient will determine whether the behaviour complained of falls within the scope of this Policy and, if the recipient determines that it does not, the recipient will advise the complainant accordingly and will take no further steps under this Policy.

If the recipient of the complaint determines that a formal written complaint falls within the scope of this Policy, the recipient will initiate an investigation of the complaint.

The complainant must record the details of the incident(s) alleged and any actions that have been undertaken in an attempt to resolve the issues and their outcomes. The President (or an appointee), will be the person(s) responsible for handling the complaint form. Where appropriate, referral may also be made to security personnel, the police or other appropriate external agencies.

In the course of the investigation of a formal written complaint, the person handling the complaint or its designated investigative team will:

- interview the complainant regarding the complaint;
- give a copy of the complaint to the respondent or advise the respondent in writing of the allegations;
- provide the respondent with an opportunity to respond to the complaint orally or in writing and give a copy of any written response or a written summary of the oral response to the complainant;
- investigate the complaint by speaking to the complainant, respondent and other individuals where appropriate;
- provide the complainant and respondent with a written summary of their preliminary factual findings with a request for any further comments;
- give notice of the investigative findings to the complainant, the respondent and the senior administrator(s);
- lodge a confidential record of the investigative proceedings when the investigation is complete.

If the investigative findings substantiate the complaint, the person handling the complaint may make recommendations regarding appropriate action arising out of such findings and the senior administrator, in consultation with such other members of administration as such person may consider appropriate and taking into account any recommendations from the person handling the complaint will: (i) initiate appropriate action arising out of such findings, (ii) give a written summary of such action to both the complainant and the respondent, and (iii) lodge a confidential record of such action with the President.

Requesting an Appeal

The following directives guide the appeal procedure.

If the complainant remains unsatisfied with the investigation and/or the determination regarding a complaint, he or she must submit a written request to the person(s) handling the complaint within 10 days from the date on the written decision notice, unless there are extenuating circumstances. The written request must include a detailed justification as to why the complaint should be reviewed.

The investigation will be completed and the appropriate resolution decided upon as soon as possible (normally

within 30 days after a formal written complaint is made, unless a longer period is appropriate in the circumstances in which case the complainant will be notified of the proposed time frame).

The person(s) responsible for handling the appeal shall appoint an ad hoc Appeal Committee consisting of two to three employees having no previous exposure to the investigation and give notice that an investigation has been initiated to the senior administrator(s).

In the course of the investigation of an appeal, the Appeal Committee will:

- review the complainant's justification for the appeal and the previous proceedings to ensure that all previous procedures have been conducted efficiently and in compliance with this Policy and applicable laws;
- give notice to the senior administrators if the appeal is warranted and if a hearing should take place; or
- give notice that the appeal has not been upheld to the senior administrator(s), in which case the decision of the Appeal Committee is final and cannot be appealed further;
- during and subsequent to the hearing, the Appeal Committee advises the respondent in writing of the appeal, meets individually with the complainant and the respondent, considers the evidence underlying the complaint and investigation and the provisions of this Policy and applicable laws, deliberates and arrives at a final decision as to the resolution of the complaint;
- give notice of the investigative findings to the complainant, the respondent and the senior administrator(s);
- when the investigation is complete, the person handling the appeal lodges a confidential record of the investigative proceedings.

If the investigative findings substantiate the complaint, the Campus Director may make recommendations regarding appropriate action arising out of such findings and the senior administrator, in consultation with such other members of administration as such person may consider appropriate and taking into account any recommendations from the Campus Director will: (i) initiate appropriate action arising out of such findings, (ii) give a written summary of such action to both the complainant and the respondent, and (iii) lodge a confidential record of such action.

Further Information

- Student Complaint Form and Follow-Up Reports (see Appendix I, this policy)
- Employee and Student Access and Equity Policy
- Occupational Health and Safety Policy
- Student Bullying and Harassment Policy
- Student Conduct Policy and Disciplinary Procedures
- Student Academic Complaints and Appeals Policy

Accountable Officers

The accountable officers for the implementation and relevant training of this policy are listed below.

Policy Category		Academic		
Responsible Officer		Academic Dean		
Review Date		Q2 2018		
Approved by				
T&LSPC on behalf of the Academic Board				
Change and Version Control				
Version	Authored by	Brief Description of the changes	Date Approved	Effective Date
1.0	Academic Dean	New policy	02.12.2017	13.12.2017

Student General Complaint Form

Signature of Student: _____ Date: _____

Complaint Follow-Up Report

(To be filled out by the Campus Director)

Name of Student: _____

Program: _____

Date: _____

Tel.: _____

Name of the person about whom this complaint was lodged:

I received a complaint on (date): _____

I met with the student on (date): _____

I met with the person about whom this complaint was lodged on (date): _____

I tried to reach an agreement between the parties on (date): _____

- ☐ By meeting the two parties separately
- ☐ During a mediation meeting with the two parties

Result:

- ☐ The problem is resolved
- ☐ The problem has not yet been resolved because:

Explanation or Comments

Signature of the President : _____ Date: _____

Complaint Follow-Up Report

(To be filled out by a member of the Appeal Committee)

Name of Student: _____

Program: _____

Date: _____

Tel.: _____

Name of the person about whom this complaint was lodged:

A complaint was received on (date): _____

The student met with the Complaints Committee on (date): _____

The Complaints Committee met with the person about whom this complaint was lodged on (date):

The Complaints Committee tried to reach an agreement between the parties on

(date): _____

☐ By meeting the two parties separately

☐ During a mediation meeting with the two parties

Result

☐ The problem is resolved

☐ The problem has not yet been resolved because:

Explanation or Comments

Signature of a member of the Appeal Committee: _____

Date: _____

Complaint Follow-Up: Final Report of the Appeal Committee

Identification

Name of Student: _____

Program: _____

Date: _____

Tel.: _____

Name of the person about whom this complaint was lodged:

First Step

A meeting between the subject of the complaint and the student,

Took place on (date):

Did not take place (because):

Second Step

The complaint was forwarded to the Student Services Coordinator (name): _____

by the student on (date): _____

The complaint was processed, but a solution was not resolved because:

which is why the problem was submitted to the Appeal Committee.

Third Step

The appeal request was forwarded to the President by the student on (date): _____

A solution was not resolved because:

Fourth Step

After having met the student on (date): _____

And the person about whom this complaint was lodged on (date): _____

The Appeal Committee considered the complaint to be:

☐ Resolved

☐ Unresolved