

## POLICY AND PROCEDURE: GRIEVANCE (NON-ACADEMIC)

<b>Endorsed by</b>	Education Committee
<b>Date endorsed</b>	2 November 2006
<b>Revision date(s) and scope</b>	2008 – inclusion of timeline for external mediation (CI 2.6.1) 26 March 2009 – change to ACPET’s external review procedures and discontinuation of mediation April 2011 – ESOS Legislation Amendment Bill change to external review process December 2011 – minor clarifications following CRICOS audit October 2012 – cessation of ACPET external review service April 2014 – minor update to administrative roles November 2015 – minor update to role titles, address, website
<b>Review date(s)</b>	November 2009 November 2012 November 2015
<b>Next review date</b>	November 2018

### Purpose

To provide a policy and procedures that enable enrolled students and students seeking to enrol in a course of study at the Academy of Design Australia (the Academy) to pursue grievances relating to non-academic matters (see Scope below).

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 Academy 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 Academy will observe that the grievance policy does not victimise any complainant or respondent.
- **Discrimination:** The Academy will strictly observe that the grievance policy does not discriminate against any complainant or respondent.
- **Third party assistance:** The complainant and/or respondent may be accompanied and assisted by a third party who is not a legal practitioner if desired at any stage of the grievance resolution procedure.
- **Communication with the complainant and or respondent:** At any stage, when a decision is made, the Academy will give reasons and a full explanation in writing for decisions and actions taken as part of the procedures.
- The Academy will provide support and advice to students and prospective students who require assistance beyond that provided by the Academy itself.

### Scope

This procedure applies to any non-academic aspect of a student’s experience at the Academy. The procedure covers, but is not limited to, grievances which may arise as a result of:

- Payment of fees
- Student charges



- Student loans
- Enrolment
- Scholarships
- Graduation
- Student discipline including discrimination and sexual harassment
- Interaction with Academy staff including discrimination and sexual harassment
- Personal information.

### **Student**

For the purposes of this procedure a student is a person who is enrolled or is seeking to enrol in any course/unit/competency offered by the Academy, regardless of the location of the campus 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.

### **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 to be followed when grievance is presented.

### **Publication**

These procedures will be published in full and kept up to date on the Academy website ([www.academyofdesign.edu.au/about-us/Assurances](http://www.academyofdesign.edu.au/about-us/Assurances)).

### **Staff Training**

These procedures form part of academic staff/student induction and orientation programs.

### **Maintaining Student's Enrolment**

When a student chooses to access the Grievance processes, the Academy will maintain the student's enrolment until the appeals process is complete, except in extenuating circumstances relating to the student's welfare.

### **Fees/Costs**

There are no fees levied or costs imposed on students or staff by the Academy for lodging or participating in grievance procedure Stages 1, 2 and 3 conducted within the Academy, ie for informal and formal resolution processes or appeals. Should a matter proceed to external mediation (Stage 4), where the matter involves a domestic student the Academy will meet 50 per cent of the cost of the mediator, the balance to be met by the student. International students may access the Overseas Students Ombudsman free of charge.

### **1 Actions which give rise to grievance**

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

### **2 Resolving a grievance**

#### **2.1 Stage 1: Informal Resolution**

2.1.1 It is in the student's and Academy's best interests for a grievance to be resolved amicably and at an early stage. In the first instance, the student should normally discuss the grievance informally with the relevant staff member who should try to resolve it. If this is impracticable the student may raise the matter with the Student Support Manager.

2.1.2 Students have up to ten (10) working days to initiate the informal resolution process, 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 academy staff member/Student Support Manager (as the case may be) may take such action such as deemed appropriate to resolve the matter. This action 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 relevant member/s of staff and/or

- Allowing the student to re-submit documentation where the staff member had 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. The Student Support Manager may grant an extension not exceeding five (5) working days if it seems likely that the matter will be resolved in that time.

2.1.5 The student will be advised in writing within two (2) working days of the conclusion of the informal resolution process (by express mail 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
- Availability of support services at the Academy and
- Option of accessing the formal resolution process, if applicable.

## **2.2 Stage 2: Formal Resolution**

2.2.1 If a student is not satisfied with the outcome of Stage 1, he/she may submit a formal grievance in writing to the Head of Academic. This request must be submitted within ten (10) working days of the notification of the outcome of the informal resolution process. The student's letter should:

- State the reason/s for the grievance
- Detail the outcome of the informal resolution process
- Head of Academic and
- Where relevant, attach copies of documentary evidence.

2.2.2 The Head of Academic will consider the formal grievance within 10 working days of lodgment of the formal notification 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 and/or students concerning the subject of the grievance
- Discussing the matter directly with the student and
- Undertaking other action as appropriate.

Every effort should be made to achieve a satisfactory outcome by conciliation.

2.2.3 After consideration of all the available evidence, the Head of Academic may decide to:

- Dismiss the grievance or
- Uphold the grievance and direct that:
  - (i) reparation as appropriate be made to the student and/or
  - (ii) where relevant, that administration systems, policies or procedures be reviewed
  - (iii) appropriate actions to address systemic or underlying causes (if any) be undertaken, with a view to preventing problems from occurring or recurring and/or
  - (iv) other actions as appropriate be initiated.

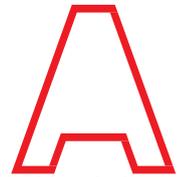
2.2.4 The student will be informed of the outcome in writing within ten (10) working days of submission of the formal grievance as identified by the date of receipt by the Academy of the student's letter.

2.2.5 If the Head of Academic and all suitable nominees have already been involved in the process, or have some other conflict of interest, the Director will appoint another person to investigate the formal grievance.

## **2.3 Stage 3: Appeal**

2.3.1 If not satisfied with the outcome of the formal resolution process the student has the right of appeal to the Grievance Appeals Committee 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 Academic's investigation



- That a procedural irregularity has occurred in the hearing of the grievance during the investigation by the Head of Academic.

2.3.2 A student who wishes to appeal against a decision of the Head of Academic shall lodge the appeal:

- With the Administration Office
- Within ten (10) working days of receipt of written notification of the decision of the Head of Academic.

The written appeal must:

- State the grounds on which the appeal is made, in accordance with section 2.3.1 of this policy
- Detail the grounds for appeal and, where appropriate, provide relevant evidence. A copy of documentary evidence referred to in the letter of appeal must be attached.

A sample format of an appeal letter is outlined below.

### **Sample Format of Appeal Letter**

Head of Academic  
Academy of Design Australia  
PO Box 1219  
Collingwood VIC 3066

I hereby lodge an appeal pursuant to the decision of the Academy of Design Australia advised to me on (insert date of notification).

The ground(s) of my appeal is/are:  
(insert ground(s) as appropriate from section 2.3.1)

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(s):  
Student ID:  
Address for notices:  
Contact telephone:  
Email address:

2.3.3 Upon lodgment of the written appeal, the Head of Academic will:

- Check that the written appeal outlines the grounds of appeal as appropriate from section 2.3.1
- 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
- Forward the appeal to the Grievance Appeals Committee.

### **2.4 Grievance Appeals Committee**

2.4.1 The composition of the Grievance Appeals Committee shall be:

- The Director or nominee, who shall be Chair of the Committee
- One staff member not previously involved in the grievance investigation
- A student representative.

A representative of the staff may be invited to attend the meeting of the Committee in an advisory capacity where a member of staff is required to attend an appeals hearing.



Both male and female genders will be represented.

2.4.2 In allocating appeals to the Committee, the Head of Academic shall select a Committee whose chair and academic staff member are from an area other than that in which the student has been taught.

2.4.3 The Director's Administrative Assistant or nominee shall attend and act as Secretary to the Committee and shall:

- Collate all documents relevant to the appeal hearing and disseminate to all parties
- Establish a date, time and place for the appeal hearing and advise all parties in accordance with section 2.4.4
- Maintain a record of the proceedings of the appeal hearing and the decision(s) taken
- Advise the Finance Manager 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 Administration Manager's signature and
- Ensure that a copy of all documentation is maintained confidentially on the official file in the Administration Office.

2.4.4. Where an appeal has been forwarded to the Grievance Appeals Committee, a meeting of the Committee shall be convened within fifteen (15) working days of lodgment of the letter of appeal. All participants shall be given at least five (5) working 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 and by email.

2.4.5 The hearing shall be held in camera. The Committee shall regulate its own proceedings. The committee may call before it any witnesses to provide additional evidence.

2.4.6 The student shall 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 and is not a legal practitioner, may represent the student.

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

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

## **2.5 Decision of the Grievance Appeals Committee**

2.5.1 After consideration of all of the available evidence, the Grievance Appeals Committee shall reach its decision by consensus or, if a consensus cannot be reached, a majority vote of the members. The Secretary does not have voting rights.

2.5.2 The Committee may:

- Confirm the decision against which the student has lodged his/her appeal
- Uphold the appeal and/or
- Modify the original directions and/or
- Direct that appropriate actions to address systemic or underlying causes (if any) with a view to preventing problems from occurring or reoccurring be undertaken and/or
- Take other action as appropriate.

2.5.3 The Secretary will then:

- Document the decision and reasons for the decision
- Contact the Head of Academic and the Director (where the Director is not the Chair of the Committee) as soon as the decision has been made to brief him/her of the outcome
- After briefing the Head of Academic (and Director if applicable), draft the written communication for the Chair's approval prior to obtaining the signature of the Director
- Send the signed communication (which shall include the reasons for the decision) to the student by express mail within five (5) days of the Committee's decision being made
- Update the Records Management file as required.

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



## 2.6 Stage 4: External Review

2.6.1 After all appropriate forms of internal resolution have been exhausted, if still not satisfied with the outcome, a student will be informed that they may request an external review. The process for external review differs depending on whether the student is domestic or overseas an international student. In either case, however, the Academy will maintain the student's enrolment until the appeals process is complete, except in extenuating circumstances relating to the student's welfare.

### Domestic Students

2.6.2 LEADR, the Association of Dispute Resolvers, provides mediation and dispute resolution services that are external to the Academy of Design Australia and available to Academy students on a cost recovery basis. A student wishing to access this resource can contact the Academy's Administration Office and request that the Academy instigate the process with LEADR; alternatively, the student can contact LEADR directly via [www.leadr.com.au](http://www.leadr.com.au) or by a free call: 1800 651 650. If the student chooses the latter option, they should inform the Academy, via the Administration Office, that they are doing so.

2.6.3 LEADR will provide the names of several available mediators and the cost of their services. The student and the Academy each agree to pay 50% of the costs incurred.

2.6.4 Once a mediator has been chosen, all parties will enter into an Agreement to Mediate and will provide any other relevant documents in a timely manner.

2.6.5 If the outcome of mediation supports the student the Academy will ensure the decision and/or any corrective or preventative action required is implemented as soon as practicable and the student advised of the outcome.

2.6.6 A domestic higher education student may also lodge an external appeal or complaint against the outcome of the internal appeal process by contacting the Administrative Appeals Tribunal (AAT) for an independent review. For more information, please see [www.aat.gov.au](http://www.aat.gov.au).

### Overseas Students

2.6.9 The Overseas Students Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider. See the Overseas Students Ombudsman website [www.oso.gov.au](http://www.oso.gov.au) or phone 1300 362 072 for more information.

2.6.10 If the decision supports the student the Academy will ensure the decision and/or any corrective or preventative action required is implemented as soon as practicable and the student advised of the outcome.

### Further Avenues

2.6.11 The procedures described above do not circumscribe a student's right to pursue other remedies nor remove the student's right to take further action under Australia's Consumer Protection Laws. Any student may also contact the Tertiary Education Quality and Standards Agency (TEQSA), Australia's regulatory and quality agency for higher education. Further information is available at: [www.teqsa.gov.au/complaints](http://www.teqsa.gov.au/complaints). Students should note, however, that the advice of TEQSA and other government bodies is that, ordinarily, the student should first attempt to resolve their grievances internally via the institution's documented procedures.

## 3 Record Keeping

All outcomes, decisions and dealings associated with the pursuit of grievance under this policy and procedures, and any appeals arising therefore are confidential and are to be managed in accordance with the Academy's policy on confidentiality of the students records.

Confidentiality will be strictly observed throughout the students records.

The Academy will retain appropriate records of the grievance for at least five (5) years in its archives and allow parties to the grievance supervised access to these records.