

Procedure Name:	<b>Student Grievance Resolution</b>
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Approved by:	Director
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Audience:	Charlton Brown Staff, Students and Community
Contact Officer:	Academic Manager
Related Documents:	Deferring, Suspending, and Cancellation Policy and procedure
Legislation:	<a href="#">Education Services for overseas Students Act 2000</a> <a href="#">Human Rights Act 2019 (Qld)</a> <a href="#">National Code of Practice for providers of Education and Training to Overseas Students 2018</a> <a href="#">VSL Loan Act 2016</a> ; <a href="#">VSL Student Loan Rules 2016</a>

**1. Purpose**

To establish the process for the management of Student Grievances that is a systematic, fair and in accordance with principles of Procedural Fairness.

**2. Scope**

This procedure applies to all Students who have a grievance arising from the college teaching, learning, administrative activities or services, or against another Student.

In particular, this Procedure applies to Student Grievances concerning:

1. Decisions which involve the exercise of academic judgement
2. Decision in relation to academic progress or Academic Misconduct
3. Decisions on administrative or non-academic matters or penalties for Student General Misconduct
4. the quality of a product or service delivered by the University or the provision of facilities directly related to the Student's College experience, including concerns a Student may have about their dealings with the college or with a third party the college has an arrangement with to deliver Courses or related services
5. the behaviour of an individual or individuals with whom the Student comes into contact as a result of the Student undertaking college activities, including placements

Grievances relating to Discrimination, Bullying and Harassment raised by Students against Employees will be managed under the Complaints Handling and Appeals Policy. Grievances relating to Discrimination, Bullying and Harassment raised by Students or Employees against Students will be managed under the Student General Misconduct Procedure.

**3. Procedure Overview**

The stages involved in resolving a grievance are:

- Informal resolution (optional)
- Stage 1 - Formal Student Grievance
- Stage 2 - Review of Stage 1 outcome or other Decision
- Stage 3 - Appeal against Stage 2 outcome
- Stage 4 - Application to external agencies.

Students or Employees involved in these processes must participate in good faith and act according to the relevant Code of Conduct Policy. Any person involved in any stage of the formal Student

Grievance resolution process must not be subject to intimidation or Victimisation, either during or consequent to the process.

#### **4. PROCEDURE**

##### **4.1 Support available to Students**

Students are encouraged to seek support at any time and as often as they require.

There are trained support staff who Students may access free of charge at all stages of the grievance resolution process:

- Student Support Officer
- Student Ombudsperson

A Student may request a support officer to attend meetings.

#### 4.2 Informal resolution

Students are encouraged to try to respectfully resolve their Student Grievance quickly and informally with the Relevant Party most directly concerned with that Student Grievance.

The purpose of the informal resolution process is to:

1. establish if the grievance is a misunderstanding or error; and then
2. achieve a prompt, informal resolution as close to the source of the alleged Grievance as possible.

If the Student feels uncomfortable about approaching the Relevant Party, they should raise the matter with the relevant area strainer or another senior Employee in the College, or seek advice or support from the services listed in 4.1.

##### **4.2.1 Raising an informal grievance**

A Student may raise an informal grievance face to face, by telephone, videoconference or in writing (including electronically) directly with the Relevant Party. A Relevant Party may be another Student or an Employee.

In approaching the Relevant Party, the Student should give full details about their grievance and advise their desired outcome. Students are also encouraged to tell the Relevant Party about any underlying issues that may have contributed to or exacerbated the grievance.

##### **4.2.2 Steps in the informal resolution process**

Where the Relevant Party is an Employee, that person may undertake one or more of the following actions in attempting to resolve the grievance:

1. discuss the grievance with the Student informally and include explanation and clarification of any relevant College Policies, Procedures, Decisions or conduct
2. consult with or refer the grievance to a more relevant College Employee or area
3. consult with or refer the Student to relevant College support services
4. seek the assistance of relevant College support services (that is, an Employee may engage relevant Employee assistance)
5. discuss the matter informally with senior Employees and provide an outline of the issue raised by a Student
6. arrange a meeting led by senior Employees between the Student and the Relevant Party or other relevant person(s)
7. refer the Student Grievance to any other more appropriate College Procedure or reporting process.

The Relevant Party must keep records of any discussions with the Student, including the reasons for any Decision, and the Relevant Party's suggested referrals or recommended actions.

#### **4.2.3 Matters unsuitable for informal resolution**

Informal resolution does not apply to certain Decisions made by the College. For further details, refer to section 4.4.

#### **4.3 Stage 1 - Formal Student Grievance**

Students may lodge a Stage 1 formal Student Grievance at any time, including where:

1. The Relevant Party considers that it is not reasonable or appropriate to resolve the matter informally;
2. the Student is dissatisfied with the outcome of the informal process; or
3. the Student chooses not to participate in the informal process.

##### **4.3.1 Lodging a formal Student Grievance and timelines**

Students may lodge a formal Student Grievance relating to an issue for which they are seeking resolution, such as a problem or concern regarding their treatment as a Student, the quality or delivery of a service provided by the College, or the conduct of an Employee or another Student. Students must lodge a grievance within six (6) months of the issue arising or when the Student first becomes aware of the facts and circumstances the subject of the grievance, whichever is later, unless otherwise prescribed in Policy or Procedure. The College will only consider formal grievances lodged after six (6) months if the Student can provide reasonable justification for the delay in submission. Students who are dissatisfied with a Decision should refer to section 4.4 of this Procedure for information on how to request a review of the Decision.

Students involved in the resolution of a formal grievance may be accompanied and assisted by a Student Support Person at any relevant meeting or interview.

Formal Student Grievances are normally lodged online, in accordance with the instructions set out on the College's Student complaints Handling and Appeals Process. The College will acknowledge receipt of the review request within five (5) College Business Days.

Students who are unable or do not wish to lodge a grievance online may contact the Student Support Officer for advice or to arrange an alternative method for lodging their grievance. Student Grievances lodged via other methods will be acknowledged in writing by the Group compliance Manager as soon as reasonably possible following receipt.

For information on lodging an anonymous grievance, refer to section 4.7.2.

When lodging a formal grievance, the Student should provide enough information for the grievance to be assessed, including:

1. the nature of the grievance and relevant supporting material;
2. the name of the person/s whose alleged actions directly affected the Student or was most directly involved with, or responsible for, the matter the subject of the grievance;
3. all relevant dates or a timeline of events;
4. informal resolution efforts to date and why the Student is not satisfied with the outcome (if applicable);
5. if the grievance is related to a Course, the Course code, Course name and Teaching Period in which the Student took that Course; and
6. the outcome sought. Students should be aware that not all grievances will result in the outcome they seek.

When a formal grievance is lodged, a preliminary assessment and triage will be performed by the Compliance Manager to determine under which Policy or Procedure a grievance will be managed. Where it is determined that a grievance should be managed under a different Policy or Procedure (such as in the case of alleged Sexual Harassment or alleged Employee misconduct), the Student will be advised of the Procedure under which the grievance will be managed. In that case, the process and timeframes will follow those set out in the applicable Policy or Procedure and may be different from those described in this Procedure.

When satisfied that the formal grievance should be progressed under this Procedure, the matter will be referred by the Compliance Manager to the relevant Decision-maker, or their nominated representative. If the Decision-maker is not reasonably available, the Decision-maker will be nominated by the CEO.

#### ***4.3.2 Investigating a formal Student Grievance***

Where a Conflict of Interest exists, the Compliance Manager will refer the matter to the next most senior Decision-maker.

The Decision-maker normally will commence investigation of the Student Grievance within 10 College Business Days of receipt.

The Decision-maker may employ a wide range of approaches to investigate the grievance and reach a Decision, including fact-finding activities (for example, requesting documentation, checking data systems), having conversations and conducting interviews, or arranging facilitated conversations involving the Student and other parties.

These will be undertaken by the Decision-maker with due regard to Procedural Fairness, confidentiality, and timeliness and the safety and wellbeing of all involved parties. The Decision-maker may dismiss the Student Grievance if it:

1. was lodged after the expiration of the six-month deadline, or the deadline prescribed in the relevant Policy or Procedure, unless the Student can provide reasonable justification for the delay in submission;
2. has no basis, or does not evidence any disadvantage to the Student; or
3. is Vexatious, without merit or can otherwise be considered an abuse of process.

The Compliance Manager will maintain oversight of the grievance process and ensure that a Decision has been reached in a timely manner and then communicated to the Student.

#### ***4.3.3 Communicating the outcome of a formal Student Grievance***

The Decision-maker will make a determination regarding the Student Grievance based on the information provided by all parties relevant to the Student Grievance.

The outcomes of the Stage 1 investigation may include the Decision-maker undertaking one or more of the following actions:

1. correcting an error in relation to the Student or the Student's record
2. making a Decision that may or may not be in the Student's favour
3. dismissing the Student Grievance as unsubstantiated
4. making a commitment to review and improve existing services and processes
5. issuing an apology to the Student
6. referring the grievance as an allegation of misconduct for investigation under the Student Code of Conduct Policy or the Staff Code of Conduct Policy.

The Decision-maker will provide a written response to the Compliance Manager setting out the findings and the outcome, reasons for the Decision and any proposed actions to follow.

The Student will be advised of the outcome by the Compliance Manager in writing within five (5) College Business Days of a Decision being reached.

The Decision notification will outline:

1. the reasons for the Decision;
2. advice on options to seek a Stage 2 review of the Decision, if available and if the Student has grounds to do so; and
3. support services available to the Student.

Any administrative actions necessary to give effect to the Decision must be taken at the time of written notification of the Decision to the Student.

The Decision-maker may report to relevant academic or administrative units any apparent problems that they think have arisen out of the administration of relevant College Policies and Procedures or other operational processes, in order to facilitate business improvement activities.

#### **4.4 Stage 2 - Review of Stage 1 outcome or other Decision**

Stage 2 of the formal Student Grievance process applies to:

1. a review of the outcome of a Stage 1 formal Student Grievance process; or
2. Decisions made by the College where the policy or procedure relevant to the original Decision provides an option for the Decision to be reviewed. For example:
  1. denial of Admission or readmission to a College program
  2. assessment of financial assistance schemes, Student fee refunds
  3. cancellation of Enrolment due to not maintaining satisfactory attendance requirements for International Student visa holders studying a Non-Award Program
  4. alleged breach of rules of College accommodation
  5. Credit and Exemption assessments
  6. Final grades
  7. requests for International Student transfer between providers
  8. Disability support or adjustments
  9. Commonwealth Supported Place eligibility.

Show Cause submissions by Students in response to a Notice of Intention to Exclude are deemed to be the equivalent of requesting a Stage 2 Review..

##### **4.4.1 Lodging a review request and timelines**

If a Student is dissatisfied with a Stage 1 Formal Grievance outcome or the way in which the investigation was handled, or is dissatisfied with a Decision, the Student may request a review, subject to any limitations in Policies and Procedures.

A request to review a Stage 1 outcome or other Decision must detail the reasons for the request, which may include:

1. relevant factors that the original Decision-maker did not take into account;
2. irrelevant factors that the original Decision-maker took into account but should not have;
3. why the original Decision was incorrect, given the circumstances in which the matter arose;
4. additional relevant information; or
5. procedural errors.

A review application must be submitted within 20 College Business Days of notification of the Decision or outcome relevant to the review, except where otherwise prescribed in Policy or Procedures or where Special Circumstances apply (refer to the Assessment of Special Circumstances Procedure for guidance).

Students involved the resolution of a formal grievance may be accompanied and assisted by a Student Support Person at any relevant meeting or interview.

Students should submit their review application and any relevant supporting documentation online, in accordance with the instructions set out on the College's Complaints handling and appeals process. Applications for review should contain as much detail as possible regarding:

1. the reason/s for the Student's review request;
2. the timelines for events relevant to the review;
3. what action has been taken to resolve the matter to date;
4. any evidence available to support the review;
5. the outcome the Student is seeking; and
6. where applicable, additional supporting material to describe any Special Circumstances not raised previously.

The College will acknowledge receipt of the review application within five (5) business days.

When a review application is lodged, a preliminary assessment will be undertaken by the Compliance Manager to confirm that the review request clearly identifies the reasons why the Student believes that the Decision should be reviewed.

Where the Compliance Manager considers that a Student's request does not clearly identify the aspects of the Decision which have caused the Student to believe that the Decision should be reviewed, the Student will be given 10 College Business Days to amend their request.

#### ***4.4.2 Investigating a review request***

Review applications will be forwarded by the Compliance Manager to the relevant Decision-maker for investigation. Where a Conflict of Interest exists, the matter will be escalated to the next most senior Decision-maker, as detailed in the table of Decision-makers.

The relevant Decision-maker normally will commence a review of the Decision within 10 College Business Days of receipt of the review request.

In conducting the review, the reviewing Decision-maker may undertake one or more of the following actions:

1. consult with the Student, the original Decision-maker, or any other person who they consider may be relevant to the matter
2. re-examine any documentary evidence considered by the original Decision-maker
3. consider any new documentary evidence provided by the Student in their request for a review
4. consider the original Decision or any penalties applied in light of previous Decisions made in other similar situations.
- 5.

These will be undertaken by the reviewing Decision-maker with due regard to Procedural Fairness, confidentiality, timeliness and the safety and wellbeing of all involved parties.

The original Decision-maker will be given an opportunity to respond to the issues raised in the application, and any new information provided by either the original Decision-maker or the Student will be shared with the other. The Student and the original Decision-maker will be given a reasonable opportunity to provide a written response. If no response is received from the original Decision-maker or the Student within the timeframe specified by the reviewing Decision-maker, the investigation will continue without such submissions.

The Decision-maker may dismiss the review application if it:

1. is brought after the expiration of the 20-day deadline, or the deadline prescribed in the relevant Policy or Procedure, unless reasonable justification is provided by the Student for the delay in submission;
2. does not clearly identify what aspects of the original Decision the Student contends require review;
3. has no basis or does not evidence any disadvantage to the Student; or
4. is Vexatious, without merit or is otherwise considered an abuse of process.
- 5.

The Compliance Manager will maintain oversight of the review process and ensure that a Decision is reached in a timely manner and communicated to the Student.

#### **4.4.3 Communicating the outcome of a Stage 2 review**

The reviewing Decision-maker will make a determination based on the information provided by all parties relevant to the review and the merits of the case. The Decision-maker may:

1. affirm the Decision under review;
2. vary the Decision under review; or
3. set aside the Decision under review and:
  1. make a new Decision in substitution for the original Decision; or
  2. remit the matter for reconsideration by the original Decision-maker in accordance with any directions or recommendations of the reviewing Decision-maker.

The reviewing Decision-maker will provide a written response to the Compliance Manager setting out the findings and the outcome, reasons for the outcome and any proposed actions to follow.

Where the matter is remitted back to the original Decision-maker to make a new assessment, they must within 10 College Business Days review the reviewing Decision-maker's findings and reconsider their original Decision in the light of those findings.

If the new Decision involves altering or reversing a course of action already underway, or imposing a different course of action, this must be implemented by the original Decision-maker without undue delay.

The Student will be advised of the outcome by the Compliance Manager within five (5) College Business Days of a Decision being reached. The Decision notification will outline:

1. the reasons for the Decision;
2. advice on options to lodge a Stage 3 Appeal, if available and if the Student has grounds to do so; and
3. support services available to the Student.

The reviewing Decision-maker may draw to the attention of the original Decision-maker any apparent problems arising from the administration of relevant College Policies and Procedures or other administrative or operational processes, in order to facilitate improvement activities.

#### **4.5 Stage 3 - Appeal against a Stage 2 outcome**

Unless otherwise prescribed in Policy or Procedure, a Student may appeal the outcome of a Stage 2 review. The outcome of an Appeal is determined by the responsible officer identified in the relevant Policy or Procedures, or by the Student Academic Appeals Committee, Student Academic Misconduct Appeals Committee or Student General Misconduct Appeals, depending on the subject of the Appeal.

When the Appeal relates to a Course, the College will maintain the Student's Enrolment pending the outcome of the Appeal, unless it is demonstrated to the satisfaction of the Head of School that the Student's continued Enrolment poses a risk to the safety of themselves or others.

If the Appeal is unsuccessful, the Student's Enrolment will be adjusted appropriately and the Student will be withdrawn without academic or financial penalty from any Course for which the Course under Appeal was a prerequisite.

#### **4.6 Other considerations**

##### **4.6.1 Anonymous Student Grievances**

The College will consider anonymous grievances taking into account whether:

1. the nature or seriousness of the grievance warrants action;
2. there is sufficient information provided for the matters raised to be investigated; or
3. there is a statutory requirement to consider such anonymous grievances.

The College's ability to investigate anonymous grievances may be limited.

##### **4.6.2 Withdrawing grievances**

A Student may withdraw their grievance at any time by advising the Compliance Manager in writing. However, the College may determine that the nature of the matters raised warrants the College continuing to review the matter.

##### **4.6.3 Costs**

The College does not charge any fees to Students for lodging a formal grievance.

##### **4.6.4 Student feedback**

Students involved in a Student Grievance process will have the opportunity to anonymously participate in a survey to monitor satisfaction, obtain feedback on the effectiveness of College Procedures and inform improvement activities.

##### **4.6.5 Reporting**

De-identified reports will be provided by the Compliance Manager on a regular basis to the CEO detailing outcomes, recommendations, trends and emerging issues arising from Student Grievances.

An annual report will be submitted to CEO and Senior Management Team detailing Student Grievance and Appeal outcomes.

##### **4.6.6 Records management**

The College will maintain confidential records of all stages of Student Grievance resolution processes in accordance with relevant Policies, and store them centrally including:

1. copies of all documentation and correspondence with the Student, including emails received from the Student;
2. a written record of the outcome of any internal process including the reasons for any Decisions reached; and
3. evidence of any action taken by the College in response to the outcome of the Decision.

## **5 References**

Nil.



Version History				
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D1.0				New Procedure developed
1.0	Director	April 2022	April 2022	Procedure approved