

GRIEVANCE MANAGEMENT NON-ACADEMIC (STUDENTS)

Policy and Procedures

DEFINITIONS

Terms in this document, for which definitions are not provided in the text or may not be self-evident or for which usage at ACC may differ to that in other higher education institutions are as follows:

Academic grievance: A grievance about student academic progress, assessment, curriculum, the quality of course delivery, academic achievement in a course and awards in a course.

Appeal: An application to a higher authority for a decision to be reversed.

Associate: Individuals who are not staff or students of the College but who are formally associated with the College in the delivery of its programs.

Claimant: The person who formally instigates a grievance, complaint or appeal.

Complaint: A statement that a situation is unsatisfactory.

Complaints Manager: A Senior or Executive Manager within ACC who is appointed by the President to manage the processes for investigation and determination of the outcome of a formal complaint (including appropriate communications with the complainant and the respondent).

Formal Grievance: The formal lodging of a written grievance, complaint or appeal.

Grievance: An official statement of a complaint over something believed to be wrong, which has resulted in what is believed to be by the Claimant, unfair treatment.

Informal Grievance: A range of processes, such as discussion, a request or query lodged with an appropriate staff member.

Natural Justice – Natural justice refers to a due process that displays fairness to all parties. It includes the right to be heard, the right of reply, the right to be treated fairly and the right to be informed of allegation(s) being made.

Non-academic Grievance: A grievance about operational or administrative matters within the College, unfair treatment, abusive behaviours, concerns about facilities, environment and safety.

Respondent: The person or institution against whom the grievance is lodged.

Student: An individual person who is formally enrolled to study at the College. The 'individual person' is that who appears on the College's documents such as enrolment, admission and payment documents, and who is assigned an individual student ID.

Support Person: Another person willing to support the student, whom the student appoints to assist at any stage of a process, and who is not a legal representative or lawyer.

Unfair Treatment: Any treatment that the Claimant feels has been biased against them and has resulted in an outcome that would otherwise have been different, had the treatment been 'fair'. This usually means the Claimant feels discriminated against in some way.

Working Day: A weekday (Monday to Friday) on which the College is open for business. This does not include national public holidays or College shutdown periods (e.g. Christmas holidays) as noted on the Student Calendar.

PURPOSE

The purpose of the Grievance Management Non-Academic (Students) Policy and Procedures is to ensure that ACC provides an excellent student learning environment in which accountability, equity, fairness and confidentiality are paramount.

Accordingly, the policy and procedures outline a set of rules by which any non-academic student grievance is to be managed.

It should be noted that these rules do not apply to management of a student complaint or grievance about an academic matter, to which the ACC Student Academic Appeals Policy and Procedures apply.

Matters that are identified as outside the remit of the College, such as matters being criminal in nature, falling under the Public Interest Disclosure Act 2010 or Anti-discrimination Legislation will be referred immediately to the appropriate person or authority.

SCOPE

This policy and related procedures apply to all students, both already enrolled and in the admissions process for studies at the ACC, who may have a non-academic grievance.

They also apply to staff and associates of the College.

POLICY STATEMENT

In the case of a non-academic student complaint or grievance, it is expected that a chain of command at the ACC will be followed in an effort to resolve that complaint or grievance at the lowest level possible. The student is expected to approach the individual to whom the complaint or grievance applies in the first instance to determine whether it can be resolved informally by the parties. If this does not enable a resolution, consideration of the complaint or grievance will be escalated to the Academic Registrar. If the complaint or grievance cannot be resolved by the Academic Registrar, it will then be referred to either the Academic Dean or the Corporate Services Manager, depending on whether the nature of the complaint is an academic or non-academic matter.

It is expected that staff and students will apply mutual respect, common sense and goodwill at each level in an effort to resolve the complaint or grievance as quickly as possible and in order that the student with the complaint or grievance is not disadvantaged in any way by lengthy deliberations. All complaints and grievances therefore will be handled in a timely fashion with full transparency and confidentiality maintained throughout the process.

PROCEDURES

1. Complaints or grievances will fall under one of the two following categories:

- Complaints concerning Policy, Procedure and Non-Academic Decisions.
 - Complaints regarding professional conduct, excluding complaints related to sexual assault and sexual harassment which are covered in the Sexual Assault and Sexual Harassment Policy and Procedures.
2. In the case of a group complaint grievance, a class representative will follow the same due process as an individual complainant and is required to submit the complaint on behalf of the group. It will be the role of the class representative to participate in informal discussions or mediation where appropriate.
 3. All complaints and/or grievances will be acknowledged in writing, followed shortly with an indicative timeframe for complaint resolution.
 4. Grievance resolution will adhere to the principles of Natural Justice and will follow a three (3) step process:

4.1 Stage 1: Informal process

- 4.1.1 Student concerns or complaints about aspects pertaining to the course or with a specific ACC staff member, other students or College associate should first be raised with the person(s) directly involved.
- 4.1.2 Should a student or group of students not feel capable of direct contact with the subject of their concern or complaint, they are entitled to facilitation of discussion through monitored mediation. In order that this be arranged, the student(s) will need to approach the Academic Registrar.
- 4.1.3 If resolution is not achieved or if the student is not satisfied with the result they may then bring the concern or complaint to the attention of the ACC President who will then initiate informal discussion with relevant parties, in an effort to resolve the issues in question at an informal level.

4.2 Stage 2: Formal Grievances Process

The Formal Grievance process maybe the result of failed informal process or the initial desired pathway of the complainant.

- 4.2.1 Formal grievances must be lodged in writing by the complainant with the Academic Registrar.
- 4.2.2 The grievance must contain the nature of the complaint, including:
 - Identification of where breach or inconsistency in the application of policy or procedure has occurred;
 - Demonstration of a breach of professional conduct.

All formal grievances will be acknowledged in writing within three (3) working days, and include an indicative timeframe for grievance investigation and resolution.

- 4.2.3 In cases of a formal grievance the College President may appoint a Complaints Manager to manage the investigation and resolution process.
- 4.2.4 It is the duty of the Complaints Manager to:
 - Provide all parties involved with copies of relevant policy and procedures pertinent to the matter;
 - Contact the respondent and notify them of the allegations made against them whilst providing the respondent with the opportunity to state their case, providing an explanation or putting forward a defence. The respondent will be required to reply within five (5) working days of receipt of written

notification of the allegations.

- 4.2.5 Should a complainant wish to remain anonymous, their wish to do so will be respected and the investigation of the grievance will proceed. In this instance, the complainant will be advised of any potential implications for the process of investigation and/or the nature of the resolution sought.
- 4.2.6 The Complaints Manager along with one other senior manager will then conduct a factual investigation into the grievance, interviewing all individuals involved and considering all information in an unbiased, fair and impartial manner. This process may take a maximum of ten (10) working days to complete, after receipt of the written reply to the complaint or grievance by the respondent.
- 4.2.7 If a grievance is substantiated, resolution will be sought either through internal processes or through formal disciplinary action as outlined in employment contracts.
- 4.2.8 The final outcome of the grievance investigation will be communicated in writing to both the complainant and the respondent as soon as possible and within 10 working days of the completion of the internal complaints handling and appeals process. Overseas students who may be involved will, at this time, be given written advice on their rights to external appeal with the contact details of the appropriate external complaints handling and appeals body (see 4.3.3. below for examples of appropriate bodies which handle complaints at minimal or no cost to the overseas student).
- 4.2.9 Written records will be maintained and kept securely on file including the date, and nature of the grievance, individuals involved, the outcome of the investigation and any disciplinary action implemented.

4.3 Stage 3: External Review

- 4.3.1 Should either the complainant or respondent be dissatisfied with the decision they have the right to an external appeal. Overseas students will be advised of their rights to external appeal as detailed in point 4.2.8 above.
- 4.3.2 This can include the approval and appointment of an independent and appropriately qualified external arbiter to review the internal decision of the College as part of an external review process. The College President may approve the arbiter in consultation with the Board of Directors and in accordance with relevant legislation such as the National Code for Providers of Education and Training to Overseas Students 2018. The arbiter will provide a written report back to the College President. These findings will be communicated back to the complainant and respondent as soon as practicable after receipt of this report to the College President. If the internal or any external complaints handling or appeal process results in a decision or recommendation in favour of the student and/or complainant, the College will immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision, and advise the student and/or complainant of that action.

Should a student and/or complainant or respondent be dissatisfied with the outcome of the independent arbiter they have the right to access multiple external appeals. However, the College does not have to assist the student with finding further appropriate appeals processes.

- 4.3.3 Students have access to the following independent third parties for external review following the initial ACC decision or that of any external arbiter:
- Overseas Student Ombudsman (for international onshore students) - <http://www.ombudsman.gov.au/about/overseas-students>
 - Office of the Training Advocate (<http://www.trainingadvocate.sa.gov.au/>)
 - Equal Opportunity Commission in relation to discrimination and sexual harassment) - <https://eoc.sa.gov.au>
 - The Resolution Institute - <https://www.resolution.institute>

4.3.4 ACC acknowledges that, despite its best efforts in grievance management and resolution, the possibility remains that an aggrieved student, who is not satisfied with the manner in which ACC has managed their grievance, may choose to lodge their grievance with the Tertiary Education Quality and Standards Agency (TEQSA), albeit that TEQSA is not a dispute resolution agency – www.teqsa.gov.au

IMPLEMENTATION AND MONITORING

The College President is responsible for the implementation and monitoring of the policy.

ACC administration will be responsible for lodging and maintaining a record of all documents that pertain to a Grievance resolution process.

POLICY REVIEW

The ACC's *Grievance Management Non Academic (Students) Policy and Procedure* is normally reviewed every three years.

It is a policy of the ACC that any Policy or Procedure may be reviewed earlier as indicated by internal or external factors (including but not limited to such factors as changes in the guidelines of regulatory authorities, accreditation/registration requirements of the profession, or relevant legislation at state or federal level) as determined the Board of Directors and/or Academic Board.

RELATED POLICY DOCUMENTS:

- Privacy Policy
- Student Academic Appeals Procedures

VERSION CONTROL

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