

Academic Student Grievance Policy and Procedure

Approved by Academic Board
26 November 2008

1 What is a grievance?

A grievance is a complaint about unfair treatment in relation to the delivery of academic, administrative or support services. A student enrolled in an AFTRS course may lodge a complaint about academic matters using the Academic Student Grievance Policy.

1.2 General Principles

- Every effort will be made to deal with grievances at the local level and in the least formal way that is appropriate, involving as few people as possible.
- Confidentiality will be preserved as far as is possible whilst ensuring thorough investigation of the issue and the development of an action plan, as appropriate.
- Grievances will be dealt with as quickly as possible whilst ensuring thoroughness of process. Grievances lodged in writing will be acknowledged within 7 days and an anticipated timeframe for resolution will be outlined.
- Any harassment or discrimination against a student as a result of their lodging a grievance may result in a charge of misconduct against the perpetrator.
- Grievances may be informal or formal and may be lodged internally or with an external body.
- Both the student (the complainant) and the respondent may be accompanied by a third party or involve a representative in any part of the process.
- Students may access the procedures set out in this policy free of charge. AFTRS will not accept responsibility for costs incurred as a result of the involvement of any third party requested by the complainant, but will consider any reasonable request for assistance.
- The reasons and a full explanation in writing for any decision made and actions taken in response to a complaint will be provided to both the complainant and the respondent, if requested.

The intent of the Academic Student Grievance: Policy and Procedures is to deal effectively, equitably and efficiently with student complaints in regard to academic matters. The Academic Student Grievance: Policy and Procedures was approved by the AFTRS Council on 16 February 2007.

1.3 What is a Grievance?

An academic grievance is a complaint by a student about unfair treatment in relation to any aspect of their course of study. Usually this would not include complaints of misconduct, discrimination or harassment which have separate identified procedures.

1.4 Costs

AFTRS will consider any reasonable request from a student for assistance with costs associated with an investigation.

2. General Principles

- Every effort will be made to deal with grievances at the discipline level and in the least formal way that is appropriate, involving as few people as possible.

- Confidentiality will be preserved as far as is possible whilst ensuring thorough investigation of the issue and the development of an action plan, where appropriate.
- Grievances will be dealt with as quickly as possible whilst ensuring thoroughness of process.
- Any harassment or discrimination against a student as a result of lodging a grievance may result in a charge of misconduct against the perpetrator.
- Grievances may be informal or formal and may be lodged internally or with an external body, if the internal process is exhausted.
- A student may involve a representative in any part of the process

3. Procedures for lodging a grievance

Initially grievances can be lodged with a Head of Discipline or Director of Division, Head of Studies, a student representative, or a member of the EEO Committee.

Where a student considers that lodging a grievance with any of the above parties is inappropriate due to the level of influence the person whom the student is complaining about has, or the severity of the complaint, a formal complaint may be submitted to the CEO or the CEO's nominee. In grievances involving the CEO a formal complaint may be submitted to the Chair of the AFTRS Council.

Where a student decides to lodge an academic grievance they will have access to a 3 stage academic grievance process as set out below.

3.1 Stage 1 Informal Procedure for Resolution of a Grievance

Initially attempts to resolve the grievance should be made at the discipline level. A decision about the grievance will be made within 14 days. The following procedures apply:

- i. Informally discuss the issue/s to define the problem with the persons concerned, with a view to a resolution. At this stage do not forward any written material. If the matter is not resolved
- ii. Informally discuss the problem with the immediate supervisor and/or Student Services Manager and/or the Head of Studies, with a view to a resolution. If the matter remains unresolved
- iii. A request for internal or external mediation can be made at this stage, through your Head of Discipline, Director of Division or the Head of Studies. A written record of the mediation need not be kept.

If the student lodging the grievance is dissatisfied with the process or outcome the matter may be referred to the CEO or their nominee in writing, explaining the action and stating the reasons why the student still feels aggrieved. This action will conclude the informal procedure for the resolution of a grievance.

3.2 Stage 2 Formal Procedure for Resolution of a Grievance

If the student's preference is for formal resolution, the matter is referred to the CEO or their nominee to investigate. Investigation by the CEO or their nominee will proceed as follows.

- i. The CEO or their nominee will take a written record of the complaint from the student. The written record will contain:
 - The student's name
 - The name of the person(s) against whom the complaint is made
 - The date the complaint is made
 - The date(s) the matter resulting in the grievance took place

- A brief description of the nature of the complaint
 - A summary of follow up actions taken since stage 1.
- ii. This written record will be the basis for further action. A formal written record is considered to be a last resort and further processing of the matter may involve disciplinary actions, as appropriate.
 - iii. As soon as possible after receiving the grievance the CEO or their nominee will consider the matter. The CEO or their nominee may investigate in any manner they think fit. Any person may be requested to provide information or documents in relation to the grievance.
 - iv. The CEO or their nominee may decide not to investigate the matter if:
 - They reasonably believe the grievance is frivolous, vexatious or not made in good faith;
 - There is a more appropriate person or authority to lodge the grievance with;
 - They reasonably believe investigation is not warranted having regard to all the circumstances of the case, or
 - The student making the grievance has referred the matter to a court or tribunal.
 - v. The CEO or their nominee will inform the student in writing of the outcome of the investigation, related decisions and reasons for making the decisions.
 - vi. The CEO will deal with the complaint within a reasonable time, normally within 30 days of receipt of the complaint.

3.3 Stage 3 External Procedures for Resolution of a Grievance

If the student making the grievance is unsatisfied with the outcome of the grievance procedure they may pursue the matter through other internal or external processes. Internally, the matter may be referred to the Chair of Council. The grievance will be addressed within 30 days. Externally, the options for resolution of a grievance include:

- The Human Rights and Equal Opportunity Commission
www.hreoc.gov.au
- The Commonwealth Ombudsman
www.comb.gov.au

The grievance will be dealt within 30 days. If any of the above organisations make recommendations in relation to the grievance, those recommendations will, within 14 days, be forwarded to the CEO who will ensure that the recommendations are implemented within 30 days.

4. Documents

4.1

Copies of relevant documents will be given to the parties on a need-to-know basis.

4.2

The CEO or their nominee may not give copies of document to the complainant if it is believed to be harmful to their physical or mental well being or that might be prejudicial to another person. They will inform the complainant of the reason.

4.3

The student will be given copies of the decision and reasons by the CEO or their nominee.

5. Record keeping

5.1

All documentation relating to grievances will be kept strictly confidential and will not be accessible to anyone who is not directly involved in handling the grievance.

5.2

Material relating to the outcome of the grievance will be placed in a separate file (not kept on the student or staff file) and stored in the office of the Head of Studies in accordance with AFTRS' policies.

5.3

Such files will only be accessible to authorised AFTRS officers and the person about whom the complaint has been made. Permission to access the records must be gained from the CEO.

5.4

Records must be kept for 5 years.

6 Appeals

Appeals should be directed to the Chair of Council of AFTRS.

7. Communication

7.1

Copies of these policies and procedures are provided to staff as part of the induction process for new staff.

7.2

Appropriate training for teaching staff in grievance procedures will be arranged as required by the Head of Studies and for support staff by the Human Resources Department.

7.3

Students are entitled to use the grievance procedures set out in this policy, regardless of the location of the campus of the institution at which the grievance has arisen, the place of residence or the mode in which the student studies.

7.4

This policy can be found at www.aftrs.edu.au/aboutus/policies/students