

# Non-Academic Grievance Policy and Procedure

## Policy Purpose

The purpose of this policy is to provide current and prospective students who have a grievance in relation to non-academic matters with a clear process for making their grievance and receiving fair treatment in doing so.

## Policy Scope

This policy is applicable to all current and prospective students at the College regardless of the location/campus at which the grievance has arisen, the student's place of residence or the mode of study. Non-academic matters may include but are not limited to operational, administrative, discrimination and harassment issues. Examples of these include sexual harassment, racial or sexual discrimination, physical or verbal abuse. This policy also extends to complaints about breaches of personal information by the College relating to information obtained by the College for the purposes of FEE-HELP / VET FEE-HELP Assistance and repayment of HELP loans. Any student that feels aggrieved on any non-academic matter may use this policy and procedure to formalise their grievance. Where at all possible, all grievances will be resolved in an informal manner prior to the implementation of the formal procedure and submitting a formal grievance.

This policy does not replace or modify policies or any other responsibilities which may arise under other policies or under statute or any other law. Also, the dispute resolution procedures outlined below in this Non-Academic Grievance Policy and Procedure do not circumscribe an individual's rights to pursue other legal remedies.

A student who has ceased their enrolment with the College will be considered under this grievance procedure for a period of up to 12 months after their enrolment has ceased. The College will communicate this policy, in writing, to its staff and train staff in its application.

This policy does not apply to students enrolled in a course delivered with a University partner or other registered provider. The student will need to refer to the Academic Grievance Policy of the University partner or the registered provider. For example, students enrolled in the Bachelor of Business (Tourism and Hospitality) awarded by La Trobe University should see La Trobe's Student Complaint and Grievance Handling Policy and Procedures available at: <http://www.latrobe.edu.au/policy>

## Definitions

Refer to Glossary of Terms.

## Policy Content

During all stages of the Non-Academic Grievance procedure, the College will take all reasonable steps to ensure that the complainant and the respondent will not be victimised or discriminated against. The reasons and full explanation in writing for decisions and actions taken at any stage of the process will be provided if so requested by the complainant or the respondent.

Feedback from students about College courses, staff, and services is encouraged and would not normally be viewed as a grievance, unless specific action is requested. In some cases, however, students may feel that they have experienced unreasonable treatment, disadvantage or distress, which they wish to complain about.

Students are encouraged initially to attempt to resolve the grievance informally (informal grievance) by talking directly with the person concerned to resolve the problem or seeking the assistance of the College Counsellor, Grievance Officer, Program Director, Deputy Head of College or Division Manager.

If the grievance is not resolved through informal procedures, students may access the College's formal Non Academic Grievance procedure. There is no cost to the complainant for utilising the internal grievance process. For domestic students who wish to lodge an external appeal against the outcome of the internal grievance process. ACPET will provide external, independent review of the grievance process and supporting documentation at a cost of a \$200 application fee.

For overseas students who wish to lodge an external appeal or complaint against the outcome of the internal grievance process, they can contact the Overseas Students Ombudsman. 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. See [www.oso.gov.au](http://www.oso.gov.au) or phone 1300 362 072.

## Procedure for Implementation

### 1. Informal Grievance

- 1.1 The student can attempt to resolve the grievance with the person concerned and to seek a resolution of the grievance to the mutual satisfaction of parties concerned.
- 1.2 If the grievance is unable to be resolved by both parties then the student can seek assistance from the Student Support Manager, Division Manager, or Program Director (or delegated nominee). The Student Support Manager, Division Manager, or Program Director (or delegated nominee) will discuss the issue with the person who the student has a grievance with and try to resolve the grievance.
- 1.3 The Student Support Manager, Division Manager, or Program Director (or delegated nominee) will discuss with the student about the outcome and possible resolution. The discussion will be documented in the Student Records Management System.
- 1.4 If the student is dissatisfied with the outcome then the student can lodge a formal grievance using the Formal Academic Grievance Form. All students have the right to lodge a formal academic grievance. The student (or legal guardian) is the only person who can lodge a grievance.

If the grievance remains unresolved, the complainant has access to the following formal grievance procedures which is published in the Student/Staff Handbook and on the Think: Colleges website.

### 2. Formal Grievance

- 2.1 This formal grievance procedure begins when a current or prospective student submits a Formal Non-academic Grievance form to Think: Student Services. Think: Student Services will enter the formal grievance into the Student Records Management System and keep a record on the student's file. The grievance will be forwarded to the Grievance Officer and relevant Head of College / Division Manager (or delegated nominee) for review.
- 2.2 The Grievance Officer will review the application and meet with the complainant to determine the level of the grievance, check that the student has followed all informal processes, and confirm that all appropriate paperwork has been included.
- 2.3 The complainant will be sent a written notice from the Head of College / Division Manager (or delegated nominee) within 5 business days of the application being submitted to Think: Student Services, informing them of receipt of their grievance. The written notice will:
  - Advise the complainant of the process that will be followed, the timeframes that will be required and the steps the complainant should take for this stage of the particular grievance.
  - Advise the complainant of their rights of appeal
- 2.4 The grievance resolution process will commence within 10 business days of receipt of the grievance. All reasonable measures will be taken to finalise the process as soon as practicable. The Head of College / Division Manager (or delegated nominee) will investigate the grievance and interview anyone associated with the grievance to gain a full understanding of the issues in order to make a considered decision. Both the complainant and/or respondent(s) may be accompanied and assisted by a third party if so desired during these interviews.
- 2.5 The Head of College / Division Manager (or delegated nominee) will provide a written decision to the complainant within 15 business days, outlining the reasons for the decision and the complainant's right to appeal the decision and the name and contact details of the person they can appeal to, if they are not satisfied with the decision.
- 2.6 The Head of College / Division Manager (or delegated nominee) will notify Think: Student Services through The Student Records Management System when the response is sent. Think: Student Services will monitor the 20-day period where students are permitted to submit an appeal.
- 2.7 If the student does not submit an appeal within this designated timeframe, the grievance will be deemed resolved. No further appeals will be accepted. Any actions intended in previous correspondence will be finalised.

### 3. Appealing the original decision

- 3.1 If the complainant wishes to appeal the initial decision of the Head of College / Division Manager (or delegated nominee) they must do so in writing within 20 business days of being informed of the original decision and address the appeal to the Group Academic Director (or delegated nominee), Think: Education Group, detailing the reasons for the appeal.

The Group Academic Director (or delegated nominee) is responsible for reviewing appeals relating to grievances in non-academic matters. The contact details for the Group Academic Director are:

Think: Education Group  
Level 2, 80 Pacific Highway, North Sydney NSW 2060.

- 3.2 If the student chooses to appeal the original decision, the College will maintain the student's enrolment while the appeal process is ongoing (National Code 2007, Standard 8.4).
- 3.3 The Group Academic Director (or delegated nominee), who is senior to and independent from the original decision maker, will acknowledge receipt of the request in writing within 5 days. The Group Academic Director (or delegated nominee) will convene an Appeal Panel within 10 business days. The complainant will be advised of any likely delays.
- 3.4 Where the Appeal Panel seeks clarification from the complainant or the respondent in the form of face-to-face interviews, the complainant and/or respondent(s) may be accompanied and assisted by a third party if so desired during these interviews.
- 3.5 The decision of the Appeal Panel will be provided to the complainant in writing by the Group Academic Director (or delegated nominee), within 28 days of receipt of the appeal. The Group Academic Director (or delegated nominee) will detail the reasons for the decision and any further actions required to resolve the grievance.
- 3.5.1 The appeal panel decision may uphold or overturn the original decision
- 3.5.2 If the original decision is overturned, then the complainant's grievance is taken to be proved true and further actions required to address the issues will be identified by the Group Academic Director (or delegated nominee) and implemented within 20 business days (National Code 2007, Standard 8.5).
- 3.6 If the appeal is rejected the complainant will be advised of a final step allowing an independent external review of the decision. The complainant will have 20 days from the date of the letter to request an external review through ACPET (for domestic students)
- 3.7 The Group Academic Director (or delegated nominee) will notify Think: Student Services through The Student Records Management System when the response is sent. Think: Student Services will monitor the 20-day period where students are permitted to submit an appeal.
- 3.8 If the student does not submit an appeal within this designated timeframe, the grievance will be deemed resolved. No further appeals will be accepted. Any actions intended in previous correspondence will be finalised.

### 4. External independent reviews

- 4.1 If the complainant wishes to appeal the decision of the appeal committee, the complainant will have 20 days from the date of the letter from the Group Academic Director (or delegated nominee) to request an external review through ACPET (for domestic students) and the Overseas Students Ombudsman (for overseas students) see [www.oso.gov.au](http://www.oso.gov.au) or phone 1300 362 072.
- 4.2 If the complainant is dissatisfied with the outcome of the decision of the Appeal Panel the complainant may request an independent external review of the decision. The appeal should outline the reasons for appealing the decision and be provided directly to ACPET. The College has engaged the services of ACPET to provide independent, external review services to review any appeal from a complainant of decisions

made by the Appeal Panel. ACPET organises for an independent, external reviewer to look at your application and the supporting documents.

- 4.3 Students must complete ACPET's application form including their required handwritten signatures and pay a lodgement fee of \$200 AUD to ACPET. Additional details and the application form are available on the ACPET website at: <http://acpet.edu.au/students/student-support/appeals/appeals>.

The completed application and payment can be sent via email at [student.appeals@acpet.edu.au](mailto:student.appeals@acpet.edu.au) or be posted to:

**Student Appeals**  
ACPET  
PO Box 551  
East Melbourne, VIC 8002

- 4.4 On receipt of the appeal notice ACPET will initiate the external review process. ACPET administers the applications received and organises for a panel of independent, External Reviewers to review the application. ACPET also notifies the College that an appeal has been submitted. This is either received by or forwarded to Think: Student Services to record in The Student Records Management System. Think: Student Services will also notify the Group Academic Director (or delegated nominee).
- 4.5 The complainant and the Group Academic Director (or delegated nominee) is requested by ACPET to provide any documents related to the application to ACPET within 14 days. ACPET will forward these to the External Reviewer for consideration.
- 4.6 The External Reviewer reviews all documentation and forwards a decision to ACPET which ACPET will communicate to the complainant and the College.
- 4.7 The External Reviewer will include the decision and the reasons for the decision. They will either:
- Affirm the College's decision confirming that the College's decision should not be changed, or
  - Remit the College's decision, requiring the College to reconsider the complainant's case along with the External Reviewer's directions and/or recommendations
  - Depending on the nature and scope of the appeal the independent review process will be finalised within 1-2 months of receiving the complainant's appeal.
  - If the external reviewer is unable to come to a decision they will write to affected parties who will then be free to pursue other remedies available under the law.
- 4.8 The Group Academic Director (or delegated nominee) will notify Think: Student Services through The Student Records Management System when the response is received from ACPET.
- 4.9 No further appeals will be accepted. Any actions intended in previous correspondence will be finalised. In cases where the External Reviewer remits the College's decision and the College does not implement the actions required, the student may submit a new appeal application along with the required application fee to ACPET to be processed as a new appeal.
- 4.10 The College and the student agree to be bound by the independent mediator's recommendations. The Group Academic Director (or delegated nominee) will ensure that any recommendations arising from the external review are implemented within 30 days of receipt of ACPET's report.

At any point, the complainant may decide to refer the matter to an external agency such as The Anti-Discrimination Board or The Office of Fair Trading and the contact details are as follows:

<b>NSW Anti Discrimination Board</b>	<b>NSW Office of Fair Trading (Sydney Centre)</b>
Level 4, 175-183, Castlereagh Street, Sydney NSW 2000. Phone: 9268 5555 <a href="http://www.lawlink.nsw.gov.au/adb">http://www.lawlink.nsw.gov.au/adb</a>	McKell Building, 2-24 Rawson Place, Sydney NSW 2000. Phone: 13 32 20 Fax: (02) 9372 8788 <a href="http://www.fairtrading.nsw.gov.au/">http://www.fairtrading.nsw.gov.au/</a>
<b>QLD Anti Discrimination Commission</b>	<b>QLD Office of Fair Trading</b>
Level 1, 189 Coronation Drive, Milton, QLD 4064 Telephone: 1300 130 670 (Toll Free) TTY: 1300 130 680 Fax (07)3247 0960 Email: <a href="mailto:info@adcq.qld.gov.au">info@adcq.qld.gov.au</a>	Ground floor, Brisbane Magistrates Court 363, George Street Brisbane Telephone: 13 13 04 International callers dial 6 17 3405 0970 Email: <a href="mailto:BrisbaneOFT@justice.qld.gov.au">BrisbaneOFT@justice.qld.gov.au</a> For hearing impaired/deaf: National Relay Service - 133 677 Translation Service - 13 14 50
<b>VIC Equal Opportunity and Human Rights Commission</b>	<b>VIC Consumer Affairs</b>
Level 3, 380 Lonsdale Street, Melbourne VIC 3000 Telephone: (03) 9281 7100 TTY: (03) 9281 7110 Email: <a href="mailto:complaints@veohrc.vic.gov.au">complaints@veohrc.vic.gov.au</a> Web: <a href="http://www.equalopportunitycommission.vic.gov.au/home.asp">http://www.equalopportunitycommission.vic.gov.au/home.asp</a>	Consumer Affairs Victoria 121 Exhibition Street Melbourne 3000 Telephone: 1300 55 81 81 Overseas callers only: +61 3 8684 0735 Email: <a href="mailto:consumer@justice.vic.gov.au">consumer@justice.vic.gov.au</a> Web: <a href="http://www.consumer.vic.gov.au">http://www.consumer.vic.gov.au</a>

Students enrolled in a VET course of study may decide to refer the matter to the Australian Skills Quality Authority (ASQA) or the National Training Complaints Hotline on 13 38 73.

Overseas students studying in Queensland may contact the Chief Executive (of the Department of Education, Training and the Arts) if the student is concerned about the conduct of the College and the Chief Executive may, under part 2, division 2 of the Education (Overseas Students) Act 1996, suspend or cancel the registration of a provider or course.

Overseas students who are dissatisfied with the College's policies and procedures may contact DEEWR through the ESOS mailbox or ESOS helpline ([esosmailbox@deewr.gov.au](mailto:esosmailbox@deewr.gov.au) or 02 6240 5069).

## 5. Continuous Improvement

Any improvement action arising from a student grievance or appeal will be recorded in the Improvement Action Registry. This register will be reviewed by the Quality Committee at least twice a year and will provide a report to the Academic Board. The Chair of the Quality Committee will provide an annual report to the Board of Directors.

### Record keeping & confidentiality

Records of all grievances handled under this procedure and their outcomes shall be maintained for a period of at least five years to allow all parties to the grievance appropriate access to these records, upon written request to the Group Academic Director.

All records relating to complaints will be treated as confidential and will be covered by the Student Privacy Policy and Procedure.

This policy, and the availability of complaints and appeals processes, does not remove the right of the student to take action under Australia's consumer protection laws or the right to pursue any other legal remedies.

## Publication

These procedures are to be published for students on the Think: Colleges website which is accessible to students prior to signing a written agreement and referenced in the application form and written agreement. Information on these procedures is discussed at orientation and is published in the Student Handbook distributed to all new students during orientation. Publication in these locations is to ensure current and prospective students have up to date and accurate information publicly available to them.

For the purposes of communicating to and training staff, this Policy and Procedure will form part of the induction process and will be included in the Staff Handbook.

<b>Responsibility:</b>	Head of College/Division (or delegated nominee) and Group Academic Director
<b>Record Management:</b>	Student File the Student Records Management System Non Formal Grievance Form Non Academic Grievance Record Improvement Action Registry
<b>Reference:</b>	Privacy Policy and Procedure General Misconduct Policy and Procedure Glossary of Terms
<b>Policy Developed By:</b>	Group Academic Director
<b>Policy Approved By:</b>	Board of Directors
<b>Policy Endorsed By:</b>	Academic Board
<b>Policy Complies with:</b>	HESA Act National Code 2007 - Standard 8 AQTF 2007 - Element 2.6
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