

## Student Grievance Mediation Policy

<b>Purpose</b>	<b>Sets out AITC's approach to mediating student grievances, guided by the TEQSA Guidance Note: <i>Grievance and Complaint Handling</i> and the <i>National Code Standard 10 Complaints and appeals</i>.</b>
<b>Location</b>	<b>The policy is maintained on owncloud</b>
<b>Responsible executive</b>	<b>CEO</b>
<b>Responsible office</b>	<b>CEO's Office</b>
<b>Contact officer</b>	<b>Registrar</b>
<b>Effective date</b>	<b>05 January 2021</b>
<b>Review date</b>	<b>17 March 2022</b>
<b>Modification history</b>	<b>Version 1.1 (05 January 2021), Version 1.2 (24 March 2022)</b>
<b>Related documents</b>	<b>AITC Student Consultation Policy AITC Student Learning Support Policy AITC Student Orientation Policy</b>  <b>TEQSA Guidance Note: <i>Grievance and Complaint Handling</i> National Code: <i>Standard 10 Complaints and appeals</i></b>
<b>Authority</b>	<b>Approved by Council</b>

### 1. Purpose

- 1.1 Students seeking to enrol in a course of study with the Australian Institute of Technology and Commerce (AITC) are entitled to access the AITC grievance process, regardless of the student's place of residence, or the mode in which they study.
- 1.2 AITC recognises the rights of students seeking to enrol in a course of study at AITC should have unhindered access to mediation. This means that they have the right to report problems, concerns or grievances regarding any aspect of their education any aspect that may impact learning and/or achievement of subject/course outcomes that are within the control of AITC and its management.
- 1.3 AITC recognises mediation as a process for resolving grievances in accordance with published and accountable procedures as set out in this Grievance Mediation Policy.

### 2. Scope

Should other avenues come into conflict with the Student Grievance Mediation Policy, this policy overrides all other avenues for meditation. It should be noted that this Policy does not cover assessment appeals as they are covered by a separate policy except where the grievance relates to a claim that the assessment appeals policy has not been followed.

### 3. Definitions

A grievance is a complaint or conflict which arises out of an act, decision or omission which the grievant considers being unjust, wrongful or discriminatory and which is within the control of AITC.

Mediation is a process by which the participants in a dispute, together with the assistance of a neutral person, systematically isolate disputed issues in order to develop options, consider alternatives, and attempt to reach a consensual settlement that will accommodate their needs.

Academic grievance may include issues relating to:

- Selection and admission.
- Content and delivery of units in your course.
- Recognition of prior learning (RPL).
- Advanced standing.
- Assessments (for example assignments, tests, examinations).
- Special consideration.
- Plagiarism.

Non-academic grievance may include issues relating to:

- Fee payment.
- Suspension or cancellation of candidature.
- Withdrawal without penalty.
- Misconduct (other than plagiarism – also see Non-Academic Misconduct Policy).
- Critical incidents.
- Harassment and discrimination.
- Health and wellbeing.
- Facilities.

### 4. Bullying or Harassment

AITC will not tolerate inappropriate behaviour of any kind. Any student who lodges a complaint or grievance will not be subject to discrimination or victimisation. Any respondent to a complaint or grievance will not be subject to discrimination or victimisation.

The safety and support of students are always put as priority, the staff will be trained in the case of students having access to staff for individual assistance, to offer students choices about how the information provided by them will be processed and responded to, and students can decide whether an incident is reported to the police.

AITC has a Bullying, Harassment and Discrimination Policy which includes definitions of behaviour that constitute sexual assault or sexual harassment.

### 5. Application

5.1 Grievance Mediation. AITC will ensure the following when dealing with complaints, grievances and appeals:

- a) Each complaint, grievance, appeal and its outcome are recorded in writing.

- b) Both parties to the complaint or grievance are entitled to appropriate access to any records related to the complaint or grievance.
  - c) Each appeal is heard by an independent person or panel.
  - d) Each appellant;
    - i has an opportunity to formally present his or her case; and;
    - ii is given a written statement of the appeal outcomes, including a full explanation of the decision.
- 5.2 AITC shall publish its Grievance Policy and Procedures in prominent public spaces on campus, as well as on the website. The policy will be presented at orientation to both staff and students. The Academic Dean is responsible for the training of academic staff in the application of the policy. The Student Service is responsible for advising the students of the policy during the orientation process. AITC is dedicated to fair hearing and resolution of all grievances and will discuss with students and staff their familiarity with procedures in dealing with complaints, grievances and appeals.
- 5.3 AITC make clear statement to the students that no matter of the outcome of the grievance application, the students who lodge the grievance application will not receive any reprisal, prejudice, bias, or anything alike from the teachers, students, or AITC in the future.
- 5.4 AITC is mindful of dealing with vexatious complaints, for example, where a student is possibly complaining for the sake of being disruptive.

## **6. Grievance Procedures**

If a problem, complaint or grievance is being experienced with a staff member or a student, the following procedure should be used:

### **6.1 Informal stage:**

- i Identification and discussion of the complaint or grievance with the complainant.
- ii Discussion with the complainant of the desired outcome of the complaint or grievance.
- iii Agreement to act in resolving the complaint or grievance.

### **6.2 Stage One**

If following an initial informal discussion with the complainant, the complaint or grievance remains unresolved, the complainant will need to lodge a formal complaint in writing. Academic grievances are mediated by the Academic Dean and non-academic grievances are mediated by the Registrar. If the grievance involves the Academic Dean or Registrar, the mediation will be conducted by the CEO.

The process will commence within 10 working days of the lodgement of complaint. Complainants will have the opportunity to formally present their case. Both parties to the complaint or grievance may bring a support person who is a third party to all these meetings.

AITC will provide all parties to the complaint or grievance with a written statement advising of the complaint outcome, including the reasons for the decision within ten working days of the commencement of the process.

### 6.3 Stage Two

If the student is dissatisfied with the decision and:

- It is an academic matter, s/he may appeal to the chair of the Academic Board within 20 working days of receipt of the decision. The Academic Board has 20 working days to consider the appeal and advise both parties with a full explanation of the decision in writing.
- If it is a non-academic matter, s/he may appeal to the CEO within 20 working days of receipt of the decision. The CEO has 20 working days to consider the appeal and advise both parties with a full explanation of the decision in writing.

A student who is not successful with the internal complaints handling process will be informed of the available external complaints and handling process within 10 working days, and this advice will include the contact details of the external appeals body. See Stage Three below for information on external appeals.

### 6.4 Stage Three

If the student is dissatisfied with the outcome of the mediation, s/he may appeal against the decision by requesting an external independent arbiter. The student must access the external independent arbiter within 30 days of receipt of the decision. AITC will cover the cost of the external independent arbiter.

The services of an independent third party that has a focus on grievance resolution (dispute resolution) can be accessed by Students.

The Resolution Institute (<https://www.resolution.institute>), for example, can provide mediators, arbitrators, adjudicators, restorative justice practitioners and other dispute resolution professionals. AITC will become a member of the Resolution Institute's Student Mediation Scheme allowing and use the 'expert determination' as part of an external appeals process. The use of the Resolution Institute by AITC ensures there is consideration of the type of dispute, experience and knowledge required, accreditations or qualifications, location and price point to nominate an expert determiner to match the dispute. Further details of support available to students are presented in Appendix 1.

Students can also make a complaint to the New South Wales Ombudsman (<https://www.ombo.nsw.gov.au/>). The Ombudsman considers complaints about administrative actions or decisions and the related processes but does not have a focus on resolving complaints.

Any student who accesses the complaints and appeals process will maintain their enrolment until the case is resolved.

Any external decision in favour of the overseas student be implemented immediately,

### 6.5 Follow-up actions

Any recommendations received as a result of the external review will be considered by the Academic Board (for academic grievances) or the CEO (for non-academic grievances) within 30 days of the receipt of the recommendation, any changes will be implemented as soon as practicable and the student will be advised of the action.

## **7. Student support, advocacy and professional advice**

Students are able to have personal support and advocacy advice at any stage in the grievance procedures for academic and non-academic matters (e.g., from a friend or an advocate, such as a member of the student association, but not normally from a legal representative).

Students wishing to raise a complaint or grievance are also encouraged to seek professional advice from an independent person knowledgeable about the process and aware of potential outcomes, such as:

- (b) a student advisor or liaison officer;
- (c) a graduate research coordinator;
- (d) an academic staff member who is not involved in the matter in question; or
- (e) a staff member from a student support service.

## **8. Complaints Substantiation**

AITC has a policy on handling student, staff and other stakeholder complaints. Once a formal complaint is made, all steps to resolve the matter must be documented as follows:

- i Receipt of the complaint in writing with details of the complaint, date and signature of the complainant.
- ii The written complaint is forwarded to the Academic Dean for academic grievances or the Registrar for non-academic grievances.
- iii The Academic Dean or Registrar will handle the complaint without prejudice and document all actions taken to investigate and resolve the complaint.
- iv The Academic Dean or Registrar will inform AITC Council of the complaint in writing. If not

resolved, a thorough investigation should be carried out and documented.

If AITC needs to rectify its own policy and procedures, AITC must act immediately and document any changes to policies and procedures. This will be dealt with by the appropriate committee on a case-by-case basis and any changes will be implemented as soon as practicable.

Serious attempts should be made to resolve a complaint in a manner acceptable to all parties in order to reach a mutually satisfactory resolution. Details of the process and resolution must be documented, and copies given to all parties involved. A complete file of the complaint will be kept confidentially, and the steps taken to resolve the matter must be retained by AITC for a minimum of 15 years after it was acted on and then destroyed in accordance with the Records and Information Management Policy.

## Appendix 1 - Expert Dispute Determiner and External Arbiters

Following the TEQSA Guidance Note: Grievance and Complaint Handling, if a complaint cannot be resolved by the AITC's internal processes, then a student can seek an independent, third party review.

There is provision for the services of an independent third party that has a focus on grievance resolution (dispute resolution). For example, the **Resolution Institute** (<https://www.resolution.institute>) can provide. The Resolution Institute provides mediators, arbitrators, adjudicators, restorative justice practitioners and other dispute resolution professionals.

Below is a screenshot from the Resolution Institute's webpage referring to the services of a resolution expert (<https://www.resolution.institute/resolving-disputes/expert-determination>):

### Get a professional conflict or dispute resolver

From our large and diverse pool of dispute resolution professionals, you are likely to find the expertise and experience needed to resolve your dispute.

On this page  
We can find someone for you | [Search our directories](#)

#### We can find someone for you

Through our nomination service, we can act as a neutral third-party organisation to find a dispute resolver for you. We carefully consider the type of dispute, experience and knowledge required, accreditations, location and price point to nominate a professional to match your dispute. A fee applies to use the nomination service.

Please follow the links below to learn more about your dispute resolution options and to submit a nomination application request.

- [Adjudication](#)
- [Arbitration](#)
- [Conciliation](#)
- [Expert determination](#)
- [Mediation](#)

A search for appropriate Dispute resolution experts can be undertaken (Screenshot):

Resolution Institute

Membership Learning & events Accreditations Resources Resolving

## Dispute Resolver Directory – Australia

/ Dispute Resolver Directory - Australia

Advanced search +

Dispute resolver name

State/territory (dispute resolvers who work in the area)

Please select a State/territory and one of its regions

Region within state/territory

Please choose a State/territory

Dispute resolution accreditation

All

Additional dispute resolution skills

All

SEARCH >

Other available resources noted in the above policy include:

**Overseas Student Ombudsman (OSO)** (<https://www.oso.gov.au>). The OSO is the independent, external complaints and appeals body for international students studying with private education providers. The OSO can investigate complaints and appeals from intending, current and former international students about private colleges, universities and schools. The OSO offers a free and independent service for overseas students who wish to appeal against a decision made by their private education or training provider in Australia.

**Australian Council of Private Higher Education and Training (ACPET)**

If the student is an Australian, (by birth, citizenship or permanent resident status), the student may contact ACPET by email to [student.appeals@acpet.edu.au](mailto:student.appeals@acpet.edu.au).

**National Training Complaints Hotline.** If the student is an Australian, (by birth, citizenship or permanent resident status), the student also has the right to lodge a complaint to the Federal Government via the National Training Complaints Hotline on [13 38 73](tel:133873).

A valuable resource for Student may be: **Complaint handling at universities:** Australasian best practice guidelines ( [www.ombudsman.act.gov.au](http://www.ombudsman.act.gov.au)). These Australasian best practice guidelines for complaint handling at universities have been developed and are tailored specifically for universities and are intended to assist them to make their complaint-handling systems more robust and effective. Sound and comprehensive policies and procedures are essential for effective complaint handling. Proper resourcing of the complaint-handling process is also essential. Guidance is given on:

*Complaint management systems.* The value of complaints. Proper complaint management is good business. Ensuring commitment. Making information accessible Overcoming barriers. Operating

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the complaint management system. Integrating complaint handling. Providing training. Establishing a complaints centre.

*Taking complaints.* What types of complaints are there? How can a complaint be made? Who can make a complaint? To whom should a complaint be made? What can be complained about? Managing expectations. Dealing with unreasonable complainant conduct.

*Assessing complaints.* Handling protected/public interest disclosures. Acknowledging complaints. Possible actions to take. Resolving complaints informally. Using ADR Referring complaints. Keeping records.

*Investigating complaints.* Choosing the appropriate type of investigation. Appointing an investigator. Planning and authorising the investigation. Setting terms of reference. Explaining complainant responsibilities. Ensuring procedural fairness. Monitoring investigations. Giving progress reports. Recording and giving reasons. Finalising an investigation.

*Following up on complaints and issues.* Reviewing decisions. Addressing systemic issues. Reporting and analysing data.

*Providing protections and support.* Supporting student complainants. Protecting complainants against reprisals. People who are the subject of a complaint. Witnesses or other parties to handling a complaint. Maintaining confidentiality.