

# Student Grievance and Complaint Policy



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<b>Approved by</b>	Stanley College Academic Board
<b>Authorised Officer</b>	Registrar
<b>Supporting documents, procedures and forms of this policy</b>	Student Grievance and Complaint Procedure Privacy Policy Information Management Policy and Procedure
<b>Related Legislation and Codes of Practice</b>	<a href="#">Education Services for Overseas Students (ESOS) Act 2000</a> <a href="#">Higher Education Provider Guidelines 2012</a> <a href="#">Higher Education Standards Framework 2015, Part A: Standard 2.4 (Student Grievances and Complaints)</a> <a href="#">National Code 2018, Standard 10</a> <a href="#">Tertiary Education Quality and Standards Agency (TEQSA) Act 2011</a> <a href="#">Privacy Act 1988</a> <a href="#">Information Privacy Bill 2007 (WA)</a>
<b>Audience</b>	Public

## 1. PURPOSE

1.1. This policy describes the process for resolving complaints, grievances and appeals (hereafter collectively referred to as “complaints” unless indicated otherwise) in support of establishing a culture of fairness and equity at Stanley College.

1.2. This policy seeks to ensure that:

- a. Complaints are dealt with consistently, fairly and without reprisal;
- b. The rights of the complainant, the person against whom a complaint is made, and those of Stanley College are appropriately protected when a person submits a complaint;
- c. Stanley College’s processes and procedures enable complaints to be resolved as promptly and efficiently as possible;
- d. The management of complaints follows standard procedures; and
- e. The internal and external complaints procedures are in accordance with legislated requirements and best practice.

## 2. SCOPE

2.1 This policy applies to all staff and students of Stanley College.

## 3. DEFINITIONS

<b>Appeal</b>	An application made by a student to have a decision reviewed where that decision relates to a matter affecting his or her studies or life as a student.
<b>Complainant</b>	The student who has lodged a complaint, grievance or an appeal.
<b>Grievance</b>	A problem or concern raised by a student about something affecting his or her studies or life as a student, for which the student is seeking resolution. The term complaint is often used interchangeably with grievance.
<b>Mediator</b>	A skilled individual in mediating complaints in an academic environment who is considered impartial and objective by both student and staff members or complainant and respondent.
<b>Natural Justice Principles</b>	<p>The principles of natural justice that decision makers under this policy must follow can be broadly summarized as follows:</p> <ul style="list-style-type: none"><li>• All parties to the matter(s) in dispute, including respondent(s) shall have a right to be heard before a decision is made, including the right to respond to any statements or evidence that may prejudice their case.</li><li>• All relevant submissions, information and evidence to be considered by the decision-maker should be disclosed, where requested, to all parties to the complaint prior to the hearing. Matters that are not relevant shall not be taken into account by the decision-maker.</li><li>• The decision maker(s) shall not be biased or appear to be biased (by a reasonable and informed bystander) nor have a vested interest or</li></ul>

	<p>personal involvement in the matter being considered.</p> <p>In addition to these principles of natural justice, there should be no undue delay in responding to complaints or appeals and all parties to such matters under this policy shall have the right to a representative of their choice, other than a currently practicing solicitor or barrister (except in extraordinary circumstances at a hearing with the prior leave of the Chair).</p>
<b>Representative</b>	Another member of staff, a union representative, or another person providing support, and where the representative is not a currently practicing solicitor or barrister.
<b>Respondent(s)</b>	One or more persons who are alleged to have caused the student's grievance.

#### 4. POLICY PROVISIONS

4.1 Stanley College provides a complaints and appeals process that is transparent, fair and equitable and refers students to an independent external body if necessary. The following general principles underpin Stanley College's approach to the resolution of complaints:

- a. All current and former students and persons seeking to enrol at Stanley College are entitled to access the complaint procedures set out in this policy;
- b. Stanley College is committed to the early and informal resolution of complaints where possible;
- c. A process is in place for lodging a formal complaint if the matter cannot be resolved informally.
- d. The documentation of the complaint, the resolution process, and any appeal is kept on the students file for 5 years after the student ceases to be a student at Stanley College;
- e. Each complainant has an opportunity to formally present their case at no cost, and has the right to access the external appeals process at no cost;
- f. Each party to the complaint may be accompanied and assisted by a support person at any relevant meetings;
- g. All stages of the complaints and appeal process will be handled promptly and be subject to specific timeframes;
- h. Stanley College has arrangements in place for a person or body independent of, and external to, Stanley College, who may as required:
  - i. Hear grievances or appeals arising from the internal grievance and appeals process; or
  - ii. Refer complainants to an appropriate arbitrator.
- i. Stanley College will apply the principles of natural justice and procedural fairness;
- j. Should a student choose to access the Stanley College complaints processes in accordance with this policy, Stanley College will maintain the student's enrolment while the complaints process is ongoing.

#### *Grounds for Complaints*

##### **Academic**

4.2 Academic complaints may include, but are not limited to:

- a. Assessments and awards;
- b. Course content, teaching quality, intellectual property, plagiarism and cheating;
- c. Intimidation by other students or staff members relating to academic matters or student participation;

- d. Access issues regarding equipment or resources required for courses; and
- e. Academic complaints may be made collectively by several students with similar concerns.

### **Non-academic**

4.3 Non-academic complaints may refer, but are not limited to:

- a. Administrative matters relating to policies, procedures, decisions and Stanley College systems;
- b. Dealings with third parties of the College, including education agents or providers the College has an arrangement with to deliver part of a course or related services;
- c. Bullying or intimidation by other students or staff members relating to matters not covered by 4.2.c;
- d. Harassment or discrimination;
- e. Lack of equal opportunity;
- f. Any matter that arises from a perception of unfair or inappropriate treatment;
- g. Non-academic decisions or actions which may adversely affect:
  - i. The work or study of a student;
  - ii. The ability of a student to have access to or to enjoy the benefits of Stanley College;
  - iii. The security of personal information held by Stanley College;
  - iv. Collective complaints by a number of students with a similar issue; and
  - v. Any adverse or unlawful action or behaviour that a reasonable person would not consider appropriate.

### **Complaint Stages**

4.4 Stanley College applies a three-stage procedure to complaints lodged by students – two internal stages, and one external stage. Additional legal or complaints processes outside this framework may apply should a complainant seek to follow further courses of action. Examples of further courses of action include legal proceedings or submissions to consumer protection agencies.

4.5 The three stages are:

- a. An informal complaint
- b. A formal complaint
- c. External review

4.6 Stanley College's first stage for resolution of a complaint involves an informal approach between the complainant and the other parties involved. Stanley College staff may help to facilitate an informal resolution when approached by the complainant, or when staff proactively responds to any situation relevant to complaints or grievances.

4.7 The formal complaints process (the second stage) is invoked due to the failure of an informal attempt at resolution, or, where the complainant seeks or has been advised to use the formal process as the first choice in seeking resolution. Responsibility of assessment of a formal complaint is as follows:

- a. Academic complaints are assessed by the Program Manager
- b. Non-academic complaints are assessed by the Registrar

4.8 In the event that a complaint is not internally resolved or accepted by any party involved in the complaint process, an external review of assessment can be invoked (the third stage). Prior to proceeding with an external appeal, complainants or responders may be provided with information by the external body regarding options for reaching an internal resolution of their complaint.

## **Complaint Management**

- 4.9 When deemed appropriate the Program Manager or Registrar may delegate assessments or investigations to other qualified staff. Should the Registrar consider any complaint to be of a sufficiently serious nature, it may be referred directly to the Vice-President, Higher Education.
- 4.10 Staff designated to manage any aspect of the complaints process may determine a course of action provided that action is in accordance with the principles of natural justice and adheres to the College's Grievance and Complaint Policy and Procedure. They may conduct hearings, authorise investigations, and seek written or oral submissions from people they believe can assist in their deliberations by way of evidence or expert opinion.

## **Conflict of Interest**

- 4.11 In any complaint, where a Stanley College staff member has a real or potential conflict of interest, the complaint should be referred to the next senior person identified in the *Student Grievance and Complaint Procedure*. Where the conflict of interest relates to the Program Manager, the matter will be referred to the Registrar.

## **Complainant Rights**

- 4.12 In any internal process, complainants and respondents have the following rights:
- a. To be present or make an oral presentation to anybody convened to hear the complaint and respond to questions;
  - b. To be accompanied and assisted by a support person chosen by them for any relevant meetings;
  - c. To receive and respond to any documentation, as appropriate, that is submitted in connection with a complaint;
  - d. To have a complaint treated confidentially with details only disclosed with permission or as required by law unless Stanley College assesses that the information revealed indicates a serious risk to the health or life of any person; and
  - e. To be given a copy of all resolution(s) and reasons for the decision in writing by the designated assessor.

## **Timeframes**

- 4.13 The following timeframes apply to the *Student Grievance and Complaint Procedure*:
- a. Wherever possible, complainants should attempt to resolve any issues with the party concerned prior to initiating the formal complaint process. Any Stanley College staff member presented with an informal complaint should respond as soon as possible but within 5 working days.
  - b. Complainants should lodge a written formal complaint providing supporting information within 10 working days of:
    - i. The incident initiating a complaint and where the complainant prefers to use the formal resolution process over the informal process; or
    - ii. Any attempt to resolve the incident informally and which has failed; or
    - iii. Any repeat of the behaviour following an attempt to informally resolve the first incident of that behaviour; or
    - iv. Receiving advice from a Stanley College staff member to consider a formal complaint.

- 4.14 The Registrar may allow a formal complaint to be lodged after the indicated timeframes above. The elapsed time and the situation may be taken into account in deciding how this policy is applied.
- 4.15 Pursuant to the risk assessment above, the formal process commences within 10 working days of the lodgement of a formal complaint and supporting information. All reasonable measures will be taken to finalise the process as soon as practicable, but within 20 working days.
- 4.16 Pursuant to the risk assessment above, should the outcome support the complainant, Stanley College must advise all parties and implement any decision and required corrective action as soon as practicable within 20 working days of the determination.

#### **Possible Outcomes from Making a Complaint**

- 4.17 Possible outcomes of a complaint or grievance may include at least one of the following:
- a. Dismissal of the complaint;
  - b. A personal apology;
  - c. A written undertaking or apology;
  - d. A written agreement on future behaviours or actions;
  - e. Disciplinary action, including possible expulsion from the College where a respondent to a complaint has been found to have seriously breached the *Stanley College Code of Conduct*;
  - f. Remedial action, e.g. correction of records, revised policies or procedures;
  - g. New internal policies, procedures or guidelines; or
  - h. Conciliation/mediation under the guidance of a mutually accepted third party (internal or external).
- 4.18 Decisions made for formal complaints are recorded, and students are notified of the outcome in writing. This notification will include detailed reasons for the outcome and specific details of further avenues of complaints available to them.
- 4.19 If a formal complaint is found in the student's favour, any action required will be initiated promptly, and preventative/corrective action will be made by Stanley College. The student will be notified of this preventative/corrective action.

#### **Continuance of Enrolment and Study**

- 4.20 While a student has an active complaint, the student remains enrolled at Stanley College, and is required to continue with their study and assessments.

#### **Withdrawal**

- 4.21 A complainant may, at any time in the process, withdraw the complaint or associated appeal. The withdrawal must be tendered in writing, except when withdrawing an informal complaint. It is not necessary for a complainant to provide any reason for withdrawal.

#### **Record Keeping and Confidentiality**

- 4.22 All parties with an interest in the outcomes of a complaint should keep confidential notes of their discussions and copies of additional notes and findings made available to them. All parties attending meetings or discussions will be required to confirm in writing that records of those meetings have truthfully and accurately represented their views and actions.

- 4.23 An explanation in writing for decisions and actions taken as part of the procedures will be given to the respondent and complainant.
- 4.24 Records of all grievances and applications for review will be kept for a period of 5 years. Records of grievances and their outcomes will be kept strictly confidential and filed separately from student or staff files. Parties to the complaint will be allowed supervised access to appropriate records.
- 4.25 All staff authorised to access information relating to complaints are obliged to preserve confidentiality in accordance with Stanley College's *Privacy Policy*, the *Privacy Act 1988* and *Information Privacy Bill 2007 (WA)*. Records relating to complaints will be retained and disposed of in accordance with the *Information Management Policy*.

### **Reporting**

- 4.26 The Registrar will report to Stanley College's Academic Board on the statistics and trends relating to complaints received and addressed by staff, and strategies to minimise student complaints.