

# Student Academic and Non-Academic Grievance/Complaints

## Procedure

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Code and version control:	SRE022/02-08-2017
Procedure owner:	Manager Student Administration
Date approved by CEO:	2 August 2017
Scheduled review date:	2 August 2020
Related policies and documents:	Student Academic and Non-Academic Grievance/Complaints Policy, Student/Customer Formal Grievance/Complaints Form,

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## Purpose

To ensure that

- Grievances are resolved quickly in a conciliatory manner.
- Confidentiality is maintained.
- Both the complainant (the person making the complaint) and the respondent (the person against whom the complaint is made) are protected.
- There is no recurrence of any inappropriate behaviour or any unfair treatment, act or process that may have occurred.
- That the process is not used for frivolous or vexatious complaints.
- That there are no reprisals for those registering a complaint.
- That a safe, healthy and non-discriminatory learning environment is maintained and that the Institute complies with legislative requirements.

## Definitions

- **Grievance** – a complaint based on the opinion that an individual is, or has been, receiving unfair treatment and for which a resolution process does not exist under existing policies and procedures.
- **Informal grievance** – an initial complaint that is often verbal between the complainant and respondent.
- **Formal grievance** – a formal complaint submitted in writing. Students complete a Student Formal Grievance/ Complaints Form
- **Appeal** – Means an escalation step available to a student if the student is dissatisfied with the outcome of a formal grievance resolution decision.
- **Complainant** – Person making the complaint.
- **Respondent** – Person against whom the complaint is made
- **Victimised** – a person victimises another if they subject them to, or threaten them with unfair treatment because they have either made a complaint or assisted a person making such a complaint.
- **Racial or Religious Vilification** – Actions that incite hatred, ridicule, contempt or revulsion towards a person or group of people because of their race or lawful religious activity.
- **Bullying** – repeated, unreasonable behaviour directed towards a student or group of students that a reasonable person would expect to victimise, humiliate, undermine or threaten.
- **Sexual harassment** – a person or group of people behaving inappropriately towards another person (or persons) through unwelcoming behaviour of a sexual nature that a reasonable person would find offensive, humiliating or intimidating.
- **Discrimination** – treating a person less favourably or unfairly (either directly or indirectly) because of a protected attribute (e.g. age, impairment, sex, race, religion etc.).

- **Support person** – a person nominated by the student to provide support and/or represent the student during the process. For example: a friend or a family member. This may not include legal counsel or a legal practitioner.
- **Student** – for the purpose of this policy a student is a person who is enrolled in a VET course offered by WAI. The term 'student' can also refer to a potential student or graduate.
- **International Student** - a person enrolled in a course registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) under the Institute's CRICOS Provider Code.
- **Reasonable time frame** – a time frame to be identified in discussion with the complainant by the staff member that is fair and realistic given the grievance resolution actions to be undertaken.

## Procedure

- All complaints, including bullying, racial and religious vilification, sexual harassment and unlawful discrimination made by students are viewed with the utmost seriousness and treated confidentially.
- To ensure confidentiality the complaint must be handled by as few people as possible. Staff members should advise the complainant and respondent not to discuss the complaint with others and that there is to be no victimisation of the other party/parties.
- The complainant(s) maintains the right to determine the initial avenue for advice and complaint. It is in the best interest of all parties that such complaints are resolved justly, promptly and within the department. It is the intention of the institute that no one will suffer reprisal for making use of the procedure.
- The complainant(s) and respondent(s) are to be informed of the Institute's procedure and offered the option of having a support person present, or accessing counselling.
- Complaints may be informal or formal. The difference between the two is that an informal complaint is unwritten and often unofficial and a formal complaint is in writing. Please refer to the informal complaint process and the formal complaint process outlined below.
- A complaint is resolved if the respondent undertakes to cease the behaviour, or if the complainant requests that no further action will be taken.
- All grievance documentation is to be accessible electronically on the student portal.

## Resolving a Grievance

The Institute has a staged framework for the management of student grievances. These stages include informal, formal and appeal, however complainants may choose to go direct to the formal stage if they prefer.

No.	Procedure	Responsibility
1.1	<b>Informal Grievance Process</b>	
1.1.1	<p>Individual student or groups of students are encouraged to raise issues or matters of concern. In these circumstances the student(s) should contact their teacher, Program Leader (local students) or International Student Coordinator (international students).</p> <p>In the case of a dissatisfied assessment result students have up to (10) ten working days to initiate an informal review of an assessment result from that the date on which the assessment work is made available for collection.</p>	Student(s)
1.1.2	<p>Where the complaint is made directly to a staff member, every effort should be made by that staff member and student/s to resolve the matter within a reasonable time frame to be discussed with the complainant(s).</p> <p>If the complaint is assessment based then during the informal process, the staff member may take such action deemed appropriate to resolve the matter. This may include but shall not necessarily require:</p> <ul style="list-style-type: none"> <li>• Reviewing attendance (where required) and submission records;</li> <li>• Checking the marks for work submitted;</li> <li>• Discussing the marking criteria with the complainant;</li> <li>• Allowing the complainant to submit or resubmit documentation or a section of an assignment where the staff member is of the opinion that the student has valid grounds for misinterpreting what was required and this misinterpretation has led to a lower mark than may have been expected.</li> </ul>	Student(s) / Staff Member
1.1.3	The staff member is to inform the complainant(s) of the outcome. A written report of the reasons and a full explanation of the decisions and actions taken arising from this stage of the grievance resolution process will be made available to the complainant(s) or the respondent(s) upon request.	Staff Member
1.1.4	If the matter is unresolved in the agreed upon time frame, or the student(s) is unsatisfied with the outcome, the student(s) can obtain the WAI Student Academic and Non-Academic Grievance/ Complaints policy and procedure and Student/ Customer Grievance/ Complaint form and make a formal complaint.	Student(s)

No.	Procedure	Responsibility
<b>1.2</b>	<b>Formal Grievance Process</b>	
1.2.1	The complainant(s) submits the Student/ Customer Grievance/ Complaint form to their department Program Leader, or International Student Coordinator.	Student(s)
1.2.2	<p>The department Program Leader/ International Student Coordinator and/or Manager is responsible for responding to the requests for resolution of a grievance formally and will investigate the complaint further within a reasonable time frame to be discussed with the complainant(s).</p> <p>If the Program Leader/ International Student Coordinator or Department Manager and all suitable nominees have already been involved in the process, or have a conflict of interest, an alternate manager will be appointed to investigate the formal grievance.</p> <p>The Program Leader/ International Student Coordinator or Department Manager may:</p> <ul style="list-style-type: none"> <li>• Review the Grievance/Complaints form and the outcomes of the informal resolution process (if relevant).</li> <li>• Inform, in confidence, the respondent(s) of the nature of the complaint made and clarify any explanation given. Provide feedback to the complainant(s) of the respondent's explanation.</li> <li>• Communicate the option of an independent investigation outside of the Institute.</li> <li>• Meet with all parties concerned (individually or together, with a support person if desired) and/or may require that either or both parties or witnesses provide written comments.</li> <li>• Seek additional information from appropriate parties concerning the subject of the grievance (which may include an independent review of an assessment).</li> <li>• Provide information, where relevant, to the parties about what may constitute bullying, racial vilification, sexual harassment etc. and their right to refer matters to the authorities identified under any relevant legislation.</li> </ul>	Program Leader/ International Student Coordinator or Department Manager
1.2.3	A written report of the reasons and a full explanation of the decisions and actions taken arising from this stage of the grievance resolution process will be made available to the complainant(s) or the respondent(s) upon request.	Program Leader/ International Student Coordinator or Department Manager

No.	Procedure	Responsibility
<b>1.3</b>	<b>Appeal</b>	
1.3.1	<p>If the parties are still not satisfied that the grievance has been resolved then he/she/they may write to the Associate Director - VET within ten (10) days of the formal grievance resolution decision.</p> <p>The Associate Director - VET is responsible for receiving academic and inappropriate behaviour appeal applications.</p> <p>The Associate Director - VET is also responsible for receiving non-academic appeal applications.</p>	Student(s)
1.3.2	<p>The relevant Associate Director/Director may appoint another person or body to investigate the appeal.</p> <p>The relevant Associate Director/Director will liaise with the International Office with issues relating to International students.</p>	Associate Director/ Director
1.3.3	<p>The relevant Associate Director/Director and / or nominated investigator shall conduct an inquiry and have access to all relevant information.</p> <p>The complainant(s) and respondent(s) shall be entitled to present written or verbal evidence.</p> <p>The complainant(s) and respondent(s) shall have the right to be accompanied by a support person during this process.</p> <p>The relevant Associate Director/Director will prepare and send a report of his/her findings to the parties to finalise the matter.</p>	Associate Director/Director
<b>1.4</b>	<b>Unresolved Grievances</b>	
1.4.1	<p>If the complainant(s) feels the grievance still remains unresolved after the appeal process, they may decide to refer the matter to an external agency such as the Dispute Settlement Centre of Victoria, the Victorian Equal Opportunity and Human Rights Commission, or Consumer Affairs Victoria.</p>	Student(s)

### Record Keeping

All outcomes, decisions and dealings associated with a grievance under this procedure, and any appeals arising there from, are confidential and are to be managed in accordance with WAI's policy on confidentiality of student records. Confidentiality will be strictly observed throughout the grievance process. Staff records are to be dated, signed and stored for a period of at least five years. A de-identified summary of complaints received should be forwarded to the Manager, Quality and Curriculum at the end of each semester for trend analysis and monitoring of progress in resolving outstanding issues.

### Other Information

For the purpose of communicating to and training of academic and support staff, this procedure will form part of the induction process and will be published electronically in the Institute's Policy and Procedure folder.