

	<b>NON-ACADEMIC GRIEVANCE AND COMPLAINTS PROCEDURES</b>
Document Type	Student Services Procedures
Administering Entity	Director of Operations
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<b>CUSTODIAN:</b> Director of Operations	<b>AUTHORISED BY:</b> President
<b>Related documents:</b>	<ul style="list-style-type: none"> <li>• Staff Code of Conduct</li> <li>• Student Code of Conduct</li> <li>• Student Misconduct Procedures</li> <li>• Sexual Assault and Sexual Harassment Policy and Procedures</li> </ul>

## 1. Purpose

- 1.1 A non-academic grievance or formal complaint arises from an event occurring in the life of the College, or a decision made by the College, in which the student perceives lack of procedural fairness and/or unjust discrimination and/or an affront to person or conscience, which does not arise from the student’s academic performance or potential. These procedures are intended to cater for circumstances in which a student seeks to complain against the College’s rules, regulations, policies, procedures, and staff. Such circumstances may include, but are not restricted to:
- a) Alleged inappropriate or unprofessional behaviour of College staff;
  - b) Unjust discrimination, such as treatment on the grounds of gender, colour, race or country of origin;
  - c) The claim that a student has an unpaid financial obligation to the College;
  - d) The use of personal information provided by a student.
  - e) The Rules, policies or procedures of the College.
- 1.2 There is a separate Academic Grievance Procedures document that relates to grievances and complaints involving academic decisions.
- 1.3 Allegations made against a student regarding general misconduct or academic misconduct may be handled under the provisions of the Student Misconduct Procedures. For general misconduct this includes allegations involving:
- Sexual Harrassment, or harassment of any kind.
  - Sexual Assault, or any physical violence.
  - racial, gender or cultural vilification,
  - destruction of public property,
  - buying/selling illicit substances or possessing illegal items.

1.4 Allegations regarding sexual misconduct are handled under the Sexual Assault and Sexual Harassment Policy and Procedures.

## 2. Definitions

**Academic decisions** means decisions requiring the exercise of academic judgment.

**Administrative decisions** means decisions on administrative matters, the quality of administrative service or the provision of facilities.

**Appeal** means:

- a formal written request for reconsideration of a decision made by the College or any person or agent acting on behalf of the College and that is submitted to a person or body with authority to undertake that reconsideration within or on behalf of the College; or
- a formal written request for a ruling on the legitimacy of a decision made by the College or any person or agent acting on behalf of the College and that is submitted to an external body that has powers or authority to investigate and determine the legitimacy of the decision.

**Advocate** means a person other than a legal practitioner or a member of staff identified by a student to accompany and assist the student in any meetings, hearings or interviews related to a student's formal complaint or appeal .

**College Mediator** means a dispute resolution officer employed by the College as an adjunct staff member.

**External appeal** means a formal written request for a ruling on the legitimacy of a decision made by the College or any person or agent acting on behalf of the College and that is submitted to an external body that has powers or authority to investigate and determine the legitimacy of the decision.

**Formal process** means a process for addressing a student's written formal complaint.

**Formal complaint** means:

- an allegation of misconduct by a member of College staff; or
- a complaint made or lodged by a student in relation to:
  - any matter in the control of the College that affects the student in his/her capacity as a student or as a general member of the College community; or
  - a decision made by the College or any person or body acting for, or on behalf of, the College that affects the student in his/her capacity as a student

**Grievance** means a problem or concern raised by a student informally in relation to an action, decision or omission within the control or responsibility of the College, which may be resolved in discussion or by clarification.

**Informal process** means a process for addressing an informal grievance which may be resolved in discussion or by clarification. This process cannot be followed where a student makes a formal written complaint

**International student** means a student or intending student who is not an Australian or New Zealand citizen and does not have Australian Permanent Residency status and who has entered into a current written agreement with the College to undertake a course or program of studies with the College.

**Investigating Officer** means a member of staff appointed by the President to investigate a formal complaint

**Mediation** means processes that are designed to resolve a dispute by bringing together the people involved in the dispute to talk over their differences to try to reach a mutually acceptable resolution or settlement of the dispute; the processes are organised and facilitated by persons who are trained and experienced in dispute resolution and independent of the people involved in the dispute

**Procedural Fairness** means the Principles of Natural Justice including the provisions that:

- a) Students are informed, with adequate notice, of allegations and proceedings,
- b) Students are provided with opportunity to respond and be heard
- c) Decision makers are without conflict of interest or prior involvement in the case
- d) Proceedings are carried out and determinations made without bias

**Respondent** means a person or persons or body concerning whose actions or omissions or decisions a student has a grievance.

**Student** means, for the purposes of these procedures, a person who is currently enrolled at the College; or an intending student of the College

### 3. Scope

- 3.1 These procedures apply to all students of the College or those seeking to enrol in a course of study and are entitled to access these procedures.
- 3.2 As these procedures also may involve staff member, all staff are entitled to access these procedures.
- 3.3 The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other higher education provider policies or under statute or any other law.

### 4. Principles

- 4.1 Campion College is committed to an equitable and enriching environment for students which fosters academic achievement and where the interactions amongst students and staff are based on mutual respect, fairness and fulfilment of obligations.
- 4.2 The student and/or respondent will not be victimised or discriminated against at any stage of the complaints process set out in these procedures.
- 4.3 The student and/or respondent will be provided with procedural fairness.
- 4.3 Campion College does not charge any fee for the processing of non-academic grievances and complaints.

### 5. Procedures

- 5.1 A student has the option of pursuing a grievance through an internal process as outlined below as First Level (5.2). Should the student wish to escalate the level of the grievance to a formal complaint, there are two internal levels and one external level, as outlined below as Second, Third and Fourth Levels (5.3; 5.4; 5.5).

In relation to all levels of the process, students may request to admit the testimony of witnesses, where appropriate, and request the presence of an observer (see 5.2.3)

### **5.2 First Level – Informal Process (Grievance)**

Students are encouraged to raise their grievance in the first instance directly with the person concerned, or the manager responsible for the non-academic service involved in the complaint. This is appropriate in matters where the student feels comfortable with making a direct approach, or where the grievance does not relate to allegations of unlawful behaviour. Grievances at this level are not considered as ‘formal complaints’ and do not require documenting unless they proceed to the next level.

### **5.3 Second Level - Formal Process (written complaint to the Director of Operations)**

Where a student is not comfortable in discussing the issue informally, or has discussed their grievance with the relevant person and is unable to resolve the issue, or is dissatisfied with the outcome of an informal discussion, he or she may choose to lodge a formal complaint with the Director of Operations. Mindful of the nature of the complaint, it must be dealt with in a reasonable time-frame, and at any rate within 21 days (3 weeks) of receipt of the complaint. The Director of Operations must give reasons and a full explanation in writing for decisions and actions taken in relation to this complaint as part of the procedures if requested by the student and/or respondent.

### **5.4 Third Level - Formal Process (written complaint to an Investigating Officer or the College Mediator)**

In the event that the Director of Operation’s decision does not resolve the issue, the student has the right to lodge a complaint to be considered by an Investigating Officer or the College Mediator. The complaint must be submitted in writing to the President and explicitly seek the involvement of an Investigating Officer or the College Mediator. The President must acknowledge receipt of a complaint in writing within one week.

The College employs an adjunct staff member available for mediation and dispute resolution, Dr Dominic McLaughlin (Phone 0401 938 113; Email: [mcl@gmail.com](mailto:mcl@gmail.com))

The Investigating Officer or College Mediator must address a complaint requiring its consideration within 10 business days of receiving the written complaint. The student may be given the opportunity to be interviewed by the Investigating Officer or College Mediator, or participate in a mediation session if required. Any costs incurred by the student in attending such sessions must be borne by the student. The student and the respondent have the right to be represented by an advocate, such as a family member, counsellor or other professional support person, if they so desire, but not for legal representation. If a request for an impartial observer is received from the student or the respondent, an observer agreeable to both the President and the student will be permitted to attend the proceedings. This observer will normally be drawn from an institution affiliated with the Council of Private Higher Education (COPHE) Inc or from a registered Catholic higher education provider.

The Investigating Officer or College Mediator must give reasons and a full explanation in writing for decisions and actions taken as part of the procedures if requested by the student or respondent. The student must be informed in writing that the College has a process by which the decision of the Investigating Officer or College Mediator can be reviewed externally.

### **5.5 Fourth Level - External Review**

In the event that the Investigating Officer's or College Mediator's decision does not resolve the issue, the student may decide to proceed to the fourth level of the process. This stage is to seek an external review by the independent External Reviewer appointed by Champion College for this purpose. The College has an agreement with Independent Higher Education Australia (IHEA) to provide an independent External Reviewer to review decisions made by the College.

Students considering this stage must initiate the final stage process within 28 days (four weeks) of the decision from the second stage being communicated in writing.

The task of the External Reviewer is to review the consistency of the College's decisions with the published policies of the College. The decision of the Investigating Officer or the College Mediator and all related documents dealing with the complaint or appeal must be forwarded to the External Reviewer. The External Reviewer must address a complaint requiring his or her consideration within 15 working days of the receipt of the written request. The External Reviewer must give reasons and a full explanation in writing for decisions and actions taken as part of the procedures if requested by the student or respondent. If the External Reviewer makes recommendations in relation to a grievance they have reviewed, the External Reviewer will forward those recommendations to the President within 415 working days of the receipt of the written request. The President will ensure that the recommendations are implemented as soon as practicable, and within a maximum period of six months.

## **6. Roles and Responsibilities**

- 6.1 It is the responsibility of the Director of Operations and Investigating Officer to keep notes and documentation at all stages of an investigation including records of meetings, discussions and actions proposed or taken. All records must be stored on a confidential file and in line with College policy. Those records are to be accessible under supervision to all parties involved for a period of five years. Such records must remain confidential.
- 6.2 It is the responsibility of the Director of Operations to report cases of non-academic complaints at least once a year to the Institute Board.
- 6.3 It is the responsibility of the Director of Operations to make these procedures available to all staff and students.
- 6.4 It is the responsibility of all students and staff to reasonably cooperate with the process outlined in these Procedures; not undermine the process in any way; and behave in an appropriate and civil manner during an investigation and during interviews and mediation sessions.
- 6.5 The Champion Executive Committee has the responsibility of implementing these procedures when formal complaints are made and reviewing the effectiveness of these procedures whenever they are tested.
- 6.6 The Champion Executive Committee is responsible for providing training for staff in matters related to these procedures.

## **7. References**

- TEQSA *Guidance Note: Wellbeing and Safety*, 8 January 2018
- TEQSA *Guidance Note: Grievance and Complaint Handling*, 22 February 2019

- A range of documents were reviewed in developing these procedures and are gratefully acknowledged, in particular the student misconduct procedures from UNSW, and the Student Misconduct Rule from Western Sydney University.

## 8. Policy History

Version	Date of approval	Amendment
1	February 2014	n/a
2	April 2018	<ol style="list-style-type: none"> <li>1. Amendment of Item 1, including addition of item 1.3</li> <li>2. Addition of definition of Procedural Fairness.</li> <li>3. Addition of Items 3, 4, 6 and 7.</li> <li>4. Addition of Mediator's contact details in Item 5.</li> </ol>
3	February 2022	<ol style="list-style-type: none"> <li>1. Insertion of 1.4</li> <li>2. Insertion of IHEA in first paragraph of 5.5</li> <li>3. Reference to Universities Australia document in Item 7 removed.</li> <li>4. Reference to Seton Hall University Policy in Item 7 removed.</li> </ol>