

# Student Grievance Policy

## 1. Purpose and Scope

This policy outlines the student grievance handling process at the Australian Performing Arts Conservatory to ensure that grievances are handled in a fair and equitable manner.

This policy applies to all members of the Conservatory's higher education community.

## 2. Objectives

The Conservatory aims to provide grievance handling processes that adhere to the following principles. The Conservatory will:

- Provide timely responses to grievances from students or potential students
- Aim to develop a culture where grievances are viewed as an opportunity for improvement at the Conservatory
- Ensure that students or potential students are free to make complaints without fear of discrimination
- Ensure that staff are aware of grievance processes and are trained appropriately to ensure that processes are consistently applied
- Require respectful behaviour amongst all parties when handling grievances
- Communicate effectively in a timely manner to keep all parties up to date with the progress of the grievance
- Ensure that all information is held in the utmost confidence
- Ensure that the principles of natural justice are applied
- Aim to ensure that grievances are resolved to the satisfaction of all parties.

## 3. Implementation

The Director of Higher Education is responsible for implementing this policy. There are separate processes for academic and non-academic grievances. Grievances of an academic nature include issues related to student progress, assessment, curriculum and awards in a course of study. Grievances of a non-academic nature cover all other matters including grievances in relation to personal information that the Conservatory holds in relation to an individual.

Complainants are entitled to access the grievance procedures set out in this policy regardless of the location of the campus of the Conservatory at which the grievance has arisen, the mode in which they study or their place of residence.

In all instances:

- the complainant and any respondent will not be victimised or discriminated against at any time.
- the complainant will have an opportunity to formally present their case and each party to a grievance may be accompanied and assisted by a support person (such as a family member, friend, counsellor or other professional support person, other than a legal representative) at any relevant meetings;
- a full explanation in writing for decisions and actions taken as part of the process will be provided, if so requested by the complainant or a respondent;
- where the internal or external grievance handling or appeal process results in a decision that supports the complainant, the Conservatory will immediately implement any decision and/or corrective and preventative action required and advise the complainant of the outcome;

- the grievance process will be easily accessible, offered at no charge to complainants (including for an external review), and completed in a timely manner.

The process for handling grievances is separated into two streams: academic and non-academic. The overarching principle is for the complaint to be directed to the person or persons involved in the first instance, and then taken through the hierarchical structure if the issue is not resolved at each level. The final internal decisions are made by:

- The Academic Board for academic grievances.
- The Board of Directors for non-academic grievances.

Current students are entitled to access this policy for academic grievances, current students or those seeking to enrol in a course of study with the Conservatory, are entitled to access this policy for non-academic grievances.

The Conservatory will maintain a register of all complaints/grievances, including any verbal or informal complaints.

The complaints and appeals process does not prevent a complainant from exercising their rights to other legal remedies.

APAC will respond to any complaint or appeal an international student makes regarding his or her dealings with APAC's education agents or any related party that APAC has an arrangement with to deliver its courses or related services

## 4. Procedure

Typical reasons for a complaint may include the following:

- A student or potential student impacted (or perceived to be) in the inappropriate, irregular or incorrect application of the Conservatory policies and procedures
- A student or potential student impacted by bias, prejudice or perceived unfair treatment
- A penalty that seems excessively harsh being applied to a student
- A student or potential student impacted by negligent, unusual or inappropriate conduct by a person involved
- A student or potential student impacted by a decision which didn't take all the facts and issues into account

Grievances must be lodged within 20 days after the grievance occurred. If the alleged grievance involves a staff member, and it is considered that it may amount to misconduct, the matter must be reported to the CEO.

### 4.1. Deciding on the Course of Action

In the first instance, where a student or potential student feels that they are dissatisfied with some aspect of the service provided by the Conservatory, it is suggested that they speak with the person in charge of delivering the service in the first instance in an attempt to resolve the problem.

- If the situation concerns a piece of assessment, then the student should speak to their lecturer/tutor;
- If the situation concerns enrolments or refunds, then speak to the Administration Manager; and
- For other concerns, please see the Director of Higher Education.

A staff member may also be able to help complainants assess whether an informal process may be more effective and provide a quicker resolution or whether a formal process is more suitable due to the circumstances. This could take into account whether a complainant could be placed at a greater risk if they were to make a direct approach to the respondent and whether in certain circumstances a further confidential investigation of the facts is warranted.

If a complainant feels uncomfortable or unable to approach the Conservatory staff member involved, they may be able to speak directly with the Director of Higher Education of the Conservatory. It is intended that the issues of concern be resolved at the lowest level with minimal impact.

If the situation cannot be resolved, the complainant is advised that they may lodge a formal grievance by recording their issues in writing. Students can use the *Feedback Form* available on the Conservatory's website.

The complainant may choose the following overall courses of action:

- Take no further action
- Try undertaking an informal approach with the person concerned
- Proceed to a mediator
- Proceed with a formal grievance with or without an advocate

## 4.2. Right of Appeal

A complainant may decide to appeal a decision at any stage of the process if they are not satisfied with the outcome. A number of reasons may be valid grounds for appealing an outcome such as:

- A belief that an irregularity in the procedures has occurred
- New evidence and facts have emerged that could change the decision
- The penalty imposed or decision reached could be considered unreasonable

## 4.3. Grievances Types

### Academic

There are various categories of grievance and they may include:

- Academic matters, such as academic decisions, content or structure of courses, teaching quality, research supervision, intellectual property, plagiarism and cheating.
- Administrative matters, such as policies, procedures, decisions and access to required resources.
- Intimidation by other students or staff members
- Collective complaints by a number of students with a similar issue.

### Non-Academic

Non-academic grievances may include:

- Administrative matters, such as policies, procedures, decisions and access to required resources.
- Intimidation by other students or staff members
- Collective complaints by a number of students with a similar issue.

## 4.4. Informal Procedure

For complaints of an academic nature, the student should speak to the affected lecturer in the first instance. This may, for example, be a query regarding an assessment mark or other matters. The student may choose

to speak to the Director of Higher Education in the first instance. If the student is not satisfied with the outcome of the discussion, they may lodge a formal grievance following the Formal Procedure outlined below.

For complaints of a non-academic nature, the student may speak to the person involved in the first instance, or speak to the person's supervisor. If the student is not satisfied with the outcome of the discussion, they may lodge formal complaint following the Formal Procedure outlined below.

## **Informal Stages**

### **1. Approach the respondent**

The complainant may seek to resolve the issue with the respondent directly with the aim of resolving the matter as soon as possible and reaching an acceptable outcome that minimises in potential detriment to ongoing working relationships.

However, the complainant or respondent is not compelled to use the informal process. In such cases, they have the option of proceeding immediately to a formal process.

The informal process is preferred, where appropriate, to avoid lengthy formal proceedings, and to use a consultative, teaching approach to raise awareness and prevent further issues.

If an informal process has been agreed, and the issue is with a member of staff, they will be expected to make a genuine attempt to resolve the issue fairly and appropriately. Any staff member who is approached informally with a complaint is obliged to respond to the student within 5 working days of receiving the complaint. Their response should include the following:

- A formally acknowledged receipt of the complaint
- An offer to organise a time to contact the student. If, due to the limitations of distance education, it is not possible for the member of staff to meet with the student personally, a time that is mutually convenient should be arranged to discuss the issues over the phone, rather than through the use of email or other asynchronous means of communication (such as social media).

The aim is to try and establish:

- aspects of the issue that can be agreed on and those where there is a difference in opinion
- the relevant rules, requirements, policies or procedures (both written or implied) that have a bearing on the complaint
- the preferred method for resolving a particular kind of complaint, and any other parties that may need to be involved in its resolution, such as the Human Resource Manager or General Manager.
- an understanding of whether an informal process will be sufficient to resolve the issue.

### **2. Approach the respondent's supervisor or manager**

- Make an informal grievance to the respondents' manager or other senior staff member
- The respondent has five (5) working days to provide a response to the manager
- The complainant considers the response and either considers it satisfactory or proceeds to informal conciliation

### **3. Informal conciliation**

- Meeting with the complainant and respondent in an attempt to achieve agreed outcomes. The aim is to provide an opportunity to air the grievance and permit a response to the allegations or request, via a facilitated discussion.
- If the complainant or the respondent is not satisfied with the outcome, they may lodge a request to the General Manager or Human Resources Manager to proceed to the formal resolution process.

Complainants and respondents are encouraged to seek the support of another party as a Student Advocate to assist them during the process.

The timeframe for resolving the grievance through the informal resolution process should be timely and not exceed 15 working days, unless there are circumstances that warrant further time, such as persons being unavailable due to leave, semester break, and other such circumstances. Further time may be negotiated between all parties, up to 20 working days, after which the complaint should be withdrawn or the formal resolution process invoked.

#### 4.5. Formal Procedure for All Grievances

If a student is not satisfied with the outcome of the informal procedure, then the student may choose to advance to the formal procedure.

The complainant is encouraged to seek advice from the CEO regarding the process for formal resolution of the grievance.

Complainants and respondents are encouraged to seek the support of another party to assist them during the process. All parties are notified that the grievance is confidential and that they are protected from victimisation.

If the grievance has already undergone an informal resolution process, then the CEO may decide that the formal resolution process will proceed immediately to the investigation stage, after lodgement of the *Feedback Form*.

#### Formal Stages

The stages of the formal resolution process are:

##### 1. Conciliation

Conciliation aims to reach a resolution that is agreed by both parties via discussion and not via the submission of evidence.

- The complainant lodges a *Feedback Form* with the CEO for non-academic matters and the Director of Higher Education for academic matters.
- The CEO or Director of Higher Education forwards the grievance to the respondent and asks them to respond within 5 working days regarding commencing a conciliation process.
- Discussions are initiated and a facilitator appointed. All parties are advised that their statements will be confidential and without prejudice, if they agree to proceed. Meetings with the complainant and respondent commence within five (5) working days, either individually or together, in an attempt to achieve agreed outcomes. The aim of a group meeting is to provide an opportunity to air the grievance and permit a response to the allegations, via a facilitated discussion.
- Proposed resolution is developed.

If the proposed resolution is agreed, then both parties will sign a statement advising that the grievance has been resolved. The resolution may include further actions such as counselling; relevant training; or other agreed actions. Parties should be advised that victimisation or any means of reprisal is unacceptable and could invoke disciplinary action.

Monitoring of outcomes agreed should be actioned by the relevant senior staff members such as the General Manager or Director of Higher Education, complainant's supervisor and/or respondent's supervisor to ensure compliance with any agreed actions.

If the complainant or the respondent is not satisfied with the outcome, they may lodge a request to the CEO or Director of Higher Education to proceed to the investigation stage.

## 2. Internal Investigation

An internal investigation aims to determine findings of fact to result in recommended actions to resolve the grievance as follows.

- Written reasons are to be lodged regarding outstanding concerns including evidentiary documentation, to the Academic Board for academic grievances and to the Board of Directors for non-academic grievances.
- The Chair of the relevant Board is to appoint investigators within five (5) working days of receipt of notice, who have no prior knowledge of the grievance.
- Investigators to commence interviews with complainant within five (5) working days of appointment, or as agreed by the parties, and prepare written record of interview to send to respondent, within five (5) working days of interview.
- Investigators to interview respondent within three (3) working days of receipt of written grievance, to obtain their response.
- Further interviews to proceed, as required over a 15 working day period, with the complainant, respondent and other witnesses.
- Preparation of a report by the investigators, within 5 working days after the last interview, including recommendations for the relevant Board to consider.
- The relevant Board will make a decision within 10 working days of receipt of the report, together with a written decision of the decision sent to the complainant and respondent. The decision may be either to uphold the grievance or to dismiss the grievance if it cannot be substantiated. Further disciplinary action may be taken against the complainant if the grievance is found to be vexatious or against the respondent if the grievance is upheld.
- The CEO or Director of Higher Education will ensure that the recommendations of the investigation are implemented and that all materials related to the grievance are held on a confidential staff file and/or student file.
- The CEO will provide a follow up report to the relevant Board regarding the actions that were undertaken as a result of the recommendations.

## 4.6. Record Keeping and Confidentiality

At all stages of the process, reasons and a full explanation in writing for decisions and actions taken as part of the procedures will be given, if so requested by the complainant and/or any respondent.

Records of all grievances and applications for review of decisions will be kept and be accessible to all parties to the grievance for a period of 5 years. Records of grievances and their outcomes will be kept strictly

confidential and filed in a separate file (not kept on the student or staff file). Parties to the complaint will be allowed supervised access to their records.

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.

All records relating to grievances will be treated as confidential and will be maintained in accordance with the Conservatory's Privacy Policy.

#### **4.7. Simultaneous Grievances and Appeals**

If a student has submitted multiple grievances and is involved in multiple appeals that relate to one another, the CEO will attempt to consolidate the grievances into one investigation.

#### **4.8. Withdrawal of Grievances**

A complainant may withdraw a grievance at any point in the process. Most often withdrawals would be due to an informal, conciliatory input being initiated by one of the parties during the grievance process. When a complaint is withdrawn, the grievance will be deemed to have been resolved.

#### **4.9. Detailed Records**

All participants in a grievance procedure should keep confidential notes of their discussions with other parties, and copies of such notes and associated findings made available for inclusion in the student's file and the staff member's file where relevant. To ensure that they can be represented as an accurate record of the grievance process, the parties attending should confirm in writing that the author has truthfully and accurately recorded the proceedings.

#### **4.10. Review by External Authority**

##### **External Appeals**

A complainant who is not satisfied with the outcome of the internal grievance handling processes of the Conservatory and is entitled to lodge an external appeal with an external authority such as:

- External mediation service such as the Student Mediation Scheme offered by Resolution Institute
- The Overseas Student Ombudsman
- The Office of Fair Trading - [www.qld.gov.au/law/fair-trading](http://www.qld.gov.au/law/fair-trading)

The Conservatory is a member of the Student Mediation Scheme at Resolution Institute. The Scheme allows a member educational and training institution or its student to refer to the Resolution Institute as the external review body once its internal grievance system has been exhausted. Contact details are:

Level 1 and 2, 13-15 Bridge Street, Sydney, NSW 2000

Phone: + 61 2 9251 3366

Fax: + 61 2 9251 3733

Emails: [infoaus@resolution.institute](mailto:infoaus@resolution.institute)

Website: [www.resolution.institute](http://www.resolution.institute)

If the complainant is an international student, then they may lodge an external appeal by contacting the Overseas Students Ombudsman.

The Overseas Students Ombudsman offers a free and independent service for international students who have a complaint or want to lodge an external appeal about a decision made by their training provider. Refer to the Overseas Students Ombudsman website [www.oso.gov.au](http://www.oso.gov.au) or phone 1300 362 072 for more information.

The Institution agrees to be bound by any recommendations arising from any external appeal and the CEO will ensure that any recommendations made are implemented within 30 days of receipt of such recommendations.

Students may also contact the Tertiary Education Quality and Standards Authority via its website: <http://www.teqsa.gov.au/complaints>

## 5. Definitions

**Appeal:** An application made by a complainant to have a decision reviewed.

**Complainant:** The student or potential student who has lodged a grievance

**Grievance:** A problem or concern raised by a student or potential 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.

**Mediator:** A disinterested and skilled individual in mediating complaints in an academic environment who is considered impartial and objective by both student and staff member or complainant and subject of the complaint.

**Natural Justice Principles:** The principles of natural justice that decision makers under this policy must follow can be broadly summarised as follows:

- 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.
- 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.
- 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 personal involvement in the matter being considered.
- 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).

**Representative:** Another member of staff, a union representative, or another person to provide support, provided that the representative is not a currently practicing solicitor or barrister

**Respondent(s):** One or more persons who are alleged to have caused the grievance

**Student Advocate:** An independent person, who can provide a student with unbiased objective advice about a proposed complaint, the process to resolution and suggest possible outcomes.



## 6. Related Documents

The following policies and procedures are related to this policy:

- Assessment, Moderation and Student Progress Policy
- Academic Honesty and Misconduct Policy

The following forms are related to this policy:

- Feedback Form

## 7. Review

Three years from commencement.

## 8. Accountabilities

The Board of Directors is responsible for review and approval of this policy.

The policy is to be implemented via induction and training of staff and distribution to students, potential students and the Conservatory's higher education community via the website and other publications.

## 9. Revision History

| Approval Authority | Contact Person | Revision Due Date | Revision Date | Approved Date | Version No. | Revision Description                          |
|--------------------|----------------|-------------------|---------------|---------------|-------------|---|
| Academic Board     | Chair          | 01/07/20          |               | 18/12/15      | 1           | New document                                  |
| Academic Board     | Chair          |                   | 9/6/17        | 9/6/17        | 1.1         | Current                                       |
| Board of Directors | Chair          |                   | 13/02/2019    | 26/02/2019    | 1.2         | Current                                       |
| Board of Directors | Chair          | 01/05/22          | 12/04/2019    | 26/04/2019    | 1.3         | Minor amendment as recommended by DET         |
| Board of Directors | Chair          |                   | 12/12/2019    | 12/12/2019    | 1.4         | Changes to accommodate international students |
| Board of Directors | Chair          |                   |               |               | 2.0         | Minor amendments for international students   |