
Student Complaints, Grievances and Appeals Procedure

Policy/Document Approval Body:	Academic Board
Date Created:	26 February 2010
Policy Custodian:	Dean of Engineering
Policy Contact:	Accreditation Manager
File Location:	W:\Data - ALL.Standard\Policies and Procedures\EIT Policies and Procedures
Location on EIT website:	http://www.eit.edu.au/organisation-policies
Review Period:	Three years from date of commencement
Revision No:	6
Date of Revision:	7 March 2017
Date Approved:	15 March 2017
Date Commenced:	16 March 2017

1.0 Purpose

This procedure provides the provisions available to students enrolled in higher education courses at EIT to resolve any grievance as quickly as possible. It defines the steps to take for managing student grievances to facilitate a prompt, fair and effective resolution.

2.0 Scope

This procedure applies to all EIT's higher education students and to staff involved in managing student grievances. It applies to academic and non-academic matters.

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 Human Resources Manager. In such cases, it may be decided to handle the matter in accordance with the relevant human resources policy.

This procedure does not remove the right to take further action under Australia's Consumer Protection Laws nor does it prevent the student from pursuing other legal remedies.

3.0 Objectives

This procedure aims to set down the processes for dealing with student grievances, and expectations and responsibilities of EIT, its staff and students.

Students and staff may seek information and advice from the College Manager or Human Resources Manager at any time.

EIT recognises that effective communication is of paramount importance when attempting to resolve difficulties experienced by students. EIT is committed to a culture of openness,

fairness and continuous improvement, which includes being open to criticism. All parties will be treated fairly, equitably and with dignity.

4.0 Implementation

A student may have immediate concerns about the outcomes of the approach they adopt with regard to a complaint. It is thus advocated that students carefully consider the issues before making a response. In some cases, they may require assistance and advice to reflect on how to proceed with a grievance.

Students can seek advice from a professional who works in this area such as: a student advocate from an appropriate higher education association; the Tertiary Education and Quality Standards Agency (TEQSA); an academic staff member; EIT College Manager or Human Resources Manager. This can help students review their complaint and consider whether it is covered under this procedure and the associated policy.

The advisor to the student may also be able to help students 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 student 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.

The student may thus initially opt to proceed with different 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
- Take the grievance to an external authority.

4.1 Academic and Non-Academic Grievances

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. Access to grievance processes is free of charge. The final internal decisions are made by:

- The Academic Board for academic grievances.
- The Governance Board for non-academic matters

If a student chooses to access the complaints and appeals processes, the student's enrolment will be maintained while the complaints and appeals process is ongoing.

Academic Matters

For complaints of an academic nature, the student may speak to the affected lecturer/assessor in the first instance. This may, for example, be a query regarding an assessment mark. If the student is not satisfied with the outcome of the discussion, they may lodge a written request with the Learning Support Officer for a formal review of their mark by another lecturer/assessor. If the student is still not satisfied with the outcome of the formal review the student may lodge a formal appeal in writing to the Dean (who will work with the Academic Board), which will make the final internal decision on the outcome of the grievance.

The informal or formal resolution processes should be followed as outlined in this procedure, with the addition of the process for requesting remarks of assessment. The stages in the process and the requirement to keep records of the process apply.

Non-Academic Matters

For complaints that are non-academic, the student may wish to use the informal resolution approach in the first instance by speaking to the person involved in the grievance, and/or speaking to the person's supervisor or College Manager. If the student is not satisfied with the outcome, they can lodge a formal grievance in writing to the Human Resources (HR) Manager. If the student is still not satisfied at this level, they can lodge a formal appeal in writing to the Dean (who will work with the Governance Board), which will make the final internal decision on the outcome of the grievance.

4.2 Informal and Formal Resolution Processes

Within the two streams of complaint, there are two key types of resolution: informal and formal. Within these types of resolution are a number of stages, which will be initiated depending on the stage at which a resolution is agreed.

Academic grievances may often be queries on marks for assessment rather than grievances. However, the processes outlined in this procedure should be followed if the query escalates to a grievance.

The following types of resolution and stages should be followed to resolve the grievance, noting that where informal resolution is not possible, then the stages of formal resolution will need to be initiated.

4.2.1 Informal Resolution

The stages of the informal process are:

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.

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 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 EIT Human Resources Manager or College Manager.
 - an understanding of whether an informal process will be sufficient to resolve the issue.

2. Approach the respondent's supervisor or manager

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

3. Informal conciliation

- a. 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.
- b. Outcomes of the meeting will be documented, including decisions and agreed actions, and provided to the complainant and the respondent.
- c. If the complainant or the respondent is not satisfied with the outcome, they may lodge a request to the College Manager or Human Resources Manager to proceed to the formal resolution process.

Complainants and respondents are encouraged to seek the support of another party 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 or 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.

4.2.2 Formal Resolution

The complainant is encouraged to seek advice from the College Manager regarding the process for formal resolution of the grievance. If students decide to use the formal resolution process, a Complaints and Appeals Form must be submitted to the Dean or College Manager.

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 or reprisal.

If the grievance has already undergone an informal resolution process, then the College Manager may decide that the formal resolution process will proceed immediately to the investigation stage, after lodgement of a written formal complaint using the Complaints and Appeals Form.

The stages of the formal resolution process are:

- 1. Formal lodgement and Initial Conciliation** – aims to reach a resolution that is agreed by both parties via discussion and not via the submission of evidence.
 - a. Lodgement of a written formal complaint by the complainant with the HR Manager for non-academic matters and the Dean for academic matters.
 - b. The HR Manager or Dean forwards the grievance to the respondent and asks them to respond within 5 working days regarding commencing a conciliation process.
 - c. 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.
 - d. Outcomes of the meeting will be documented, including decisions and agreed actions, and provided to the complainant and the respondent.
 - e. Proposed resolution
 - If a 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 College Manager or Dean and/or the HR Manager, 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 College Manager, HR Manager or Dean to proceed to the investigation stage.

2. Internal Review and Investigation – aims to determine findings of fact to result in recommended actions to resolve the grievance.

- a. Lodgement of written reasons of outstanding concerns and documentation regarding facts to the Dean for academic grievances and to the HR Manager for non-academic grievances.
- b. The Dean or HR Manager will commence investigations within five (5) days of receiving the written complaint.
- c. Preparation of a written report by the investigator and provision of the report to the complainant (and all other related parties) within 15 working days of EIT receiving the written complaint. The written report will detail the mechanisms and findings of the investigation, the reasons and decision whether to uphold the grievance or to dismiss the grievance if it cannot be substantiated, any recommended actions and/or resolutions, and further avenues of appeal where they exist and where the student could benefit.
- d. 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.
- e. The complainant may appeal the decision of the Dean or HR Manager, in which case all related documentation will be referred to the relevant board for a final internal decision to be made. A decision is to be made by the relevant Board within 15 working days of receipt of the related documentation, together with a written report of the decision which is to be sent to the complainant and all other related parties. 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.
- f. The College Manager, Dean and/or Human Resources Manager will ensure that any agreed actions/recommendations are implemented promptly and that all materials related to the grievance are held on a confidential staff file and/or student file.

3. Conciliation for International on-campus (CRICOS) students

The Department of Education Services, Western Australia Government, offers a free mediation/reconciliation service through the International Student Conciliator. The Conciliator attempts to resolve disputes between international students and institutions, as part of the institution's internal complaints and appeals procedure. For example, the complainant may be dissatisfied with some aspect of the education that is being offered by the institution.

If either an international student or a member of staff at an institution would like to discuss a particular case with an independent person, they can contact the Conciliator as follows:



International Education Conciliation Service

Department of Education Services

Phone: (08) 9441 1900 within Australia.

Outside Australia call + 61 8 9441 1900.

Email: conciliation@des.wa.gov.au

Address: Level 9, 20 Walters Drive, Osborne Park, WA 6017, Australia

The Conciliator is able to discuss issues of concern at any stage of the internal complaints and appeals procedure, however, will not be actively involved in the case until the parties have attempted to resolve the dispute themselves and that attempt has failed.

4.3 Simultaneous Grievances and Appeals

If a student has submitted multiple grievances and is involved in multiple appeals that relate to one another, the Dean or HR Manager will attempt to bundle the grievances into one investigation.

4.4 Withdrawal of Grievances

A student 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.

4.5 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.

Decisions about formal complaints and appeals will be recorded and all materials related to the grievance be held in a confidential file. All records will be stored for at least 5 years from the date of the conclusion of the complaint process, during which time all parties to the complaint should have access upon request. The records should otherwise remain confidential.

4.6 Review by External Authority

External Appeals

The complainant may not be satisfied with the outcome of the internal processes of EIT and will be entitled to proceed to an external authority such as:

- An academic member of staff who can mediate or arbitrate based in a local university in the country in which the student resides;
- A Mediator service which EIT subscribes to (Resolution Institute) for both local and internationally based students.



Contact details for Resolution Institute:

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
Websites: www.resolution.institute

Overseas Students Ombudsman

For international on-campus (CRICOS) students, if the complainant or the respondent is not satisfied with the outcome, they may lodge an appeal with the Overseas Students Ombudsman. The following (as extracted from the official document) applies to these students:

- 'In Australia, you have the right to complain and appeal.
- The Overseas Students Ombudsman's services are FREE.
- In some cases, the Ombudsman may decide not to investigate your complaint and appeal. This might happen where another organisation can help you, or you have not spoken to your provider about your complaint.
- If the Ombudsman decides not to investigate, they will tell you why and refer you to another organisation that can help.
- The Ombudsman is independent and impartial. If they do decide to investigate your complaint and appeal, they will contact EIT and ask us what happened.
- They will treat your information with privacy and respect, and collect, store, use and disclose your personal information only in accordance with Australian privacy laws.

If they find that your education provider has made a mistake or acted unfairly, they may ask EIT to:

- apologise to you
- change or reconsider a decision
- change their policies or procedures
- take some other action

If the internal or any external complaint handling or appeal process results in a decision that supports the student, EIT must immediately implement any decision and/or corrective and preventative action required and advise the students of the outcome. Both parties must abide by the final outcome of the external appeals process.'

Making a complaint to the Overseas Students Ombudsman

The Ombudsman's office is open from 8.30 am to 5.00 pm Monday to Friday. It has easy access for people with disabilities.

Street Address: Level 2, Albert Facey House, 469 Wellington Street, Perth, WA 6000

Postal Address: Ombudsman Western Australia. PO Box Z5386, Perth, WA 6831

Telephone: (08) 9220 7555

Free call: 1800 117 000 (toll free for country callers)

Facsimile: (08) 9325 1107

Email: mail@ombudsman.wa.gov.au



Weblinks:

http://www.ombudsman.wa.gov.au/Publications/Documents/guidelines/Complaints_by_overseas_students.pdf

http://www.ombudsman.wa.gov.au/Complaints/Overseas_Student_Complaints.htm

National Relay Service: TTY or modem users phone 133 677 and quote 9220 7555. Voice-only (speak and listen) users phone 1300 555 727 and quote 9220 7555.

Interpreter Service: Translating and Interpreting Services (TIS) National on 131 450. Translations: This Information Sheet is available in other languages. Go to 'Publications' at www.ombudsman.wa.gov.au for details.

Information booklets from the ombudsman are available from EIT's Student Administration.

5.0 Definitions

Appeal - 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.

Complainant - the student who has lodged a grievance

Grievance- 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.

International On-Campus (CRICOS) Student: A student studying in Australia and holding an Australian student visa

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 summarized 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 student's 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.

6.0 Related policies and procedures

The following policies and procedures are related to this policy:

- Student Complaints, Grievances and Appeals Policy
- Assessment, Moderation and Student Progress Policy
- Assessment, Moderation and Student Progress Procedure
- Academic Honesty and Misconduct Policy
- Tertiary Education Quality and Standards Authority,
<http://www.teqsa.gov.au/complaints>
- Ombudsman Western Australia
http://www.ombudsman.wa.gov.au/Publications/Documents/guidelines/Complaints_by_overseas_students.pdf
http://www.ombudsman.wa.gov.au/Complaints/Overseas_Student_Complaints.htm

7.0 Accountabilities

The Academic Board 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 and EIT's community via the website and other publications.