

# Student Grievance Policy and Procedure

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## 1 Purpose and scope

This policy outlines the student grievance handling process at AIE Institute to ensure that grievances are handled in a fair and equitable manner by a process of discussion, cooperation and conciliation as soon as possible after an event has occurred, with an acceptable outcome that minimises any potential detriment to ongoing work or study relationships. AIE Institute has legal responsibilities to students regarding behaviour, work practices, policies or processes that may constitute unlawful discrimination, harassment, sexual harassment, victimisation or vilification.

This policy applies to all members of AIE Institute's higher education community.

## 2 Objectives

AIE Institute does not tolerate bullying, discrimination, harassment, sexual harassment, victimisation or vilification through any means or medium. AIE Institute provides fair and equitable grievance handling processes that adhere to the following principles.

AIE Institute:

- a. Provides timely responses to student grievances
- b. Aims to develop a culture where grievances are viewed as an opportunity for improvement at AIE institute
- c. Ensures that students are treated fairly and equitably
- d. Ensures that students are free to make complaints without fear of discrimination
- e. Ensures that staff are aware of grievance processes and are trained appropriately to ensure that processes are consistently applied
- f. Ensures grievance judgements are made against stated principles and procedures to ensure consistency of outcomes
- g. Requires respectful behaviour among all parties when handling grievances
- h. Communicates effectively in a timely manner to keep all parties up to date with the progress of the grievance
- i. Ensures that all information is held in the utmost confidence
- j. Applies the principles of natural justice
- k. Aims to ensure that grievances are resolved to the satisfaction of all parties
- l. Provides complaints handling and appeals processes that are free of charge
- m. Ensures transparency through written reports that inform students of the reasons for decisions made
- n. Ensures the student is aware of further avenues of appeal for their benefit.

## 3 Implementation

The CEO is responsible for implementing this policy. There are separate processes for academic and non-academic grievances. In all instances, the complainant and respondent should not be victimised or discriminated against at any time. The grievance process aims to be easily accessible, offered at no charge to complainants, 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:

- a. The Academic Board for academic grievances
- b. The Executive Management Committee for non-academic grievances.

Current students, or those seeking to enrol in a course of study with AIE Institute, are entitled to access the grievance processes set out in this policy.

The complainant and/or respondent have the right to be represented by a third party representative (such as a family member, friend, counsellor or other professional support person, other than a legal representative) if they so desire, for all types of complaints and at all stages during the process.

The AIE Institute maintains a record of all complaints/grievances in a *Complaints Register*. Where applicable, complaints/grievances are also recorded in a *Continuous Improvement Plan*.

In addition, all documents relating to a student's grievance are maintained in their student file.

Refer to Appendix A to view the flowchart of the student grievance process.

The complaints and appeals process does not prevent a student from exercising the student's rights to other legal remedies.

## 4 Procedure

Typical reasons for a complaint may include the following:

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

Once a grievance is received, it is acknowledged and a response initiated in writing within 2 business days of receipt by AIE Institute.

### 4.1 Deciding on the course of action

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

- a. If the situation concerns a piece of assessment, then the student should speak to their lecturer/tutor. The complaints should have a legitimate ground by making a reference to feedback received for the assessments.
- b. If the situation concerns enrolments or refunds, then speak to the Admissions Officer
- c. For other concerns, please see the CEO.

The Student Counsellor or a staff member may also be able to help a student 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 consider if a student could be placed at a greater risk if they were to make a direct approach to the person concerned/the respondent, and whether in certain circumstances a further confidential investigation of the facts is warranted.

If a student feels uncomfortable or unable to approach the AIE Institute staff member involved, they may be able to speak directly with the CEO or Academic Director. It is intended that the issues of concern be resolved at the lowest level where possible.

If the situation cannot be resolved, the student may lodge a formal complaint by recording their issues in writing. Students can use a *Student Complaints Form* available on AIE Institute's website. Students have the option of taking the complaint to an external authority if the outcome of internal processes are not to the satisfaction of the student.

The student may choose the following overall courses of action:

- d. Take no further action
- e. Try undertaking an informal approach with the person concerned
- f. Proceed to a mediator
- g. Proceed with a formal complaint with or without an advocate
- h. Take the complaint to an external authority.

## 4.2 Grievance types

There are various categories of grievance. AIE Institute has categorised grievances as academic or non-academic as follows.

### 4.2.1 Academic

- a. Academic matters, teaching quality, intellectual property, plagiarism and cheating
- b. Academic administrative matters regarding policies, procedures, decisions and access to required resources.

### 4.2.2 Non-academic

- a. Intimidation by other students or staff members
- b. Collective complaints by a number of students with a similar issue
- c. General administrative matters regarding policies, procedures and decisions.

## 4.3 Informal procedure

For grievances of an academic nature, the student should first speak to the lecturer concerned. This may, for example, be a query regarding an assessment mark or other matters. However, the student may also decide to speak to the Academic Director in the first instance. If the student is not satisfied with the outcome of the discussion, they may lodge a formal complaint following the Formal Procedure outlined below. Please note that procedures for assessment remarks or review of grades are outlined in section 4.7 Appeals against marks or grades of the *Assessment, Moderation and Progress Policy and Procedure*.

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

### 4.3.1 Informal stages

#### 4.3.1.1 Approach the respondent

The complainant may seek to resolve the issue with the respondent directly. The aim should be to resolve the matter as soon as possible and reach an acceptable outcome that minimises any 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 are 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 business days of receiving the complaint. Their response should include the following:

- a. A formally acknowledged receipt of the grievance
- b. An offer to organise a time to contact the student

The aim is to try and establish:

- c. Aspects of the issue that can be agreed on and those where there is a difference in opinion
- d. The relevant rules, requirements, policies or procedures (both written and implied) that have a bearing on the complaint
- e. The preferred method for resolving the grievance, and any other parties that may need to be involved in its resolution, such as the Human Resources Manager or CEO
- f. An understanding of whether an informal process is sufficient to resolve the issue.

#### **4.3.1.2 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 5 business days to provide a response to the manager
- c. The complainant considers the response and either considers it satisfactory or proceeds to informal conciliation.

#### **4.3.1.3 Informal conciliation**

- a. Meeting with the claimant 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. If the complainant or the respondent is not satisfied with the outcome, they may lodge a request to the CEO 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 complainant can have present with them a support person at these meetings, but not a legal representative.

The timeframe for resolving the grievance through the informal resolution process should be timely and not exceed 10 business 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 business days, after which the complaint should be withdrawn, or the formal resolution process invoked.

## **4.4 Formal procedure for all complaints**

If a student is not satisfied with the outcome of the informal procedure, then the student may choose to advance to the formal procedure at no charge.

The complainant is encouraged to seek advice from the CEO or Student Council 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 *Student Complaints Form*.

### **4.4.1 Formal stages**

#### **4.4.1.1 Conciliation**

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

The student must lodge a *Student Complaints Form* with the CEO for non-academic matters and the Academic Director for academic matters.

The CEO or Academic Director forwards the complaint to the respondent and asks them to respond within 5 business 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 claimant and respondent commence within 5 business 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 complaint and permit a response to the allegations, via a facilitated discussion.

A proposed resolution is developed, and a formal letter written to the complainant advising the proposed resolution. If the proposed resolution is agreed, then both parties sign a statement advising that the complaint 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 agreed outcomes should be actioned by the relevant senior staff members, such as the CEO or Academic Director and/or the Human Resources Manager, 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 Academic Director to proceed to the investigation stage within 10 business days of the conciliation process outcome.

## 4.5 Appeals

A student can appeal a decision at any stage of the process if they are not satisfied with the outcome. The appeal should be lodged within 10 business days of receiving the decision and the response initiated and acknowledged in writing within 2 business days of receipt by AIE Institute after receiving the appeal. Internal reviews/investigations are conducted at no charge to students.

The right to make complaints and seek appeals of decisions and action under various processes does not affect the rights of the student to take action under Australian Consumer Law if Australian Consumer Law applies.

### 4.5.1 Internal review/investigation

An internal review/investigation may be instigated if there are valid grounds for appealing a decision, such as:

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

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

- d. Written reasons are lodged on the *Student Appeals Form* regarding outstanding concerns, including evidentiary documentation, to the Academic Board for academic complaints and to the Executive Management Committee for non-academic complaints
- e. The Chair of the relevant Board/Committee appoints investigators within 5 business days of receipt of notice who have no prior knowledge of the grievance
- f. Investigators commence interviews with the complainant within 5 business days of appointment and prepare a written record of interview to send to the respondent, within 5 business days of interview
- g. Investigators interview the respondent within 3 business days of receipt of the written complaint to obtain their response

- h. Further interviews proceed, as required, over a 15-business day period, with the complainant, respondent and other witnesses
- i. A report is prepared by the investigators within 5 business days after the last interview, including recommendations for the relevant Board/Committee to consider
- j. The relevant Board/Committee makes a decision within 10 business days of receipt of the report, together with a written decision sent to the complainant and respondent. This may require the relevant Board/Committee to initiate an extraordinary meeting. The decision may be either to uphold the complaint or to dismiss the complaint if it cannot be substantiated. 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
- k. Where recommendations for action result of the complaints process, a report detailing the findings of the internal investigation, with reasons for the decision made and options for further appeal the actions, is implemented as per the timeframes indicated by the findings
- l. The timeframes for actions to be initiated when appeals are upheld are dependent on the findings of the investigation. If any internal complaint handling process results in a decision that supports a student, AIE Institute will implement any corrective or preventive measure immediately and advise the student of the outcome.

The CEO or Academic Director and Human Resources Manager are responsible for implementing the recommendations. All materials related to the complaint are held on a confidential staff file and/or student file. The CEO or Academic Director provide a follow up report to the relevant Board/Committee of the actions that were undertaken as a result of the recommendations.

#### 4.5.2 Review by external authority

##### 4.5.2.1 Commonwealth Ombudsman

Students may make a complaint via the [Commonwealth Ombudsman](#) if they are unhappy with the outcomes of AIE Institute's internal complaints and appeals process. This service is free.

**Business Hours:** 9 am to 5 pm, Monday to Friday

**Telephone:** 1300 362 072

**Website:** <http://www.ombudsman.gov.au/making-a-complaint/overseas-students>

##### 4.5.2.2 Other external appeal avenues

AIE Institute makes specific arrangements for independent review of complaints about issues not covered by the Australian Competition and Consumer Commission (ACCC) or the Commonwealth Ombudsman.

The complainant may not be satisfied with the outcome of the internal processes of AIE Institute and is entitled to proceed to an external authority. Students are eligible for an application to one of these services listed below on a once-off basis, free of charge:

- a. An academic member of staff who can mediate or arbitrate based in a local university in the country in which the student resides
- b. A mediator service such as Resolution Institute
- c. The Office of Fair Trading.

AIE Institute subscribes to an external mediator service from Resolution Institute. Contact details are:

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

**Phone:** + 61 2 9251 3366

**Fax:** + 61 2 9251 3733

**Email:** [infoaus@resolution.institute](mailto:infoaus@resolution.institute)

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

Students may also contact the [Tertiary Education Quality and Standards Authority](#).



If AIE Institute is notified that an external appeal has been made or legal action has been taken, the internal complaint process is suspended until the external appeal is completed.

#### 4.6 Record keeping and confidentiality

All parties with an interest in the outcomes of a grievance procedure should keep confidential notes of their discussions with other parties, which should be placed on the student's file and the staff member's file where relevant. The parties attending should confirm in writing that the author has truthfully and accurately recorded the proceedings.

An explanation in writing for decisions and actions taken as part of the procedures is given to the respondent and the complainant.

## 5 Definitions

**Appeal** is 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** is the student who has lodged a grievance.

**Complaint** is a grievance that requires a formal complaints process to obtain a resolution.

**Grievance** means an informal expression of dissatisfaction with some aspect of a student's experience with the provider (including with agents or other related parties who represent or act on behalf of the provider).

**Mediator** is 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** are the principles of natural justice that decision makers under this policy must follow can be broadly summarised as follows:

- a. 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.
- b. 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.
- c. 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** is 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)** are one or more persons who are alleged to have caused the student's grievance or are responsible for the process that related to the grievance.

**Student advocate** is 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:

- a. Academic Honesty and Misconduct Policy and Procedure
- b. Assessment, Moderation and Progress Policy and Procedure
- c. Privacy Policy and Procedure
- d. Staff Grievance Policy and Procedure
- e. Student Appeals Form
- f. Student Complaints Form
- g. Student Support Policy and Procedure.

The following legislation is related to this policy:

- h. Education Services for Overseas Students Act 2000 (ESOS Act) (Cth)
- i. National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018).

## 7 Review

Three years from commencement.

## 8 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 the AIE Institute's higher education community via the website and other publications.

## Appendix A: Student grievance flowchart

