



# Student Grievance Management Policy

Governing Council Approved Policy

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## Version Control

<b>Version</b>	v2.3
<b>Date effective</b>	26 April 2022
<b>Review</b>	The Governing Council will review this Policy every two (2) years in accordance with the Institute's Policy Review Schedule.
<b>Approving body</b>	Governing Council
<b>Approval date</b>	26 April 2022
<b>Approval meeting</b>	Governing Council meeting held on 26 April 2022
<b>Policy owner</b>	Dean
<b>Policy contact</b>	Dean
<b>Related Documents</b>	Academic Integrity Policy and Procedure Admissions Policy and Procedure Assessment Policy Student Code of Conduct Dictionary of Terms
<b>Related Forms</b>	Student Grievance Form
<b>Related Legislation</b>	Competition and Consumer Act 2010 Higher Education Standards Framework (Threshold Standards) 2021 (Cth) Public Disclosures Act 1994
<b>Higher Education Standards Framework (Threshold Standards) 2021 (Cth)</b>	BI.1 "Higher Education Provider" Category Standard 6.1 Standard 6.2 Standard 6.3 Standard 7.3, ss 3
<b>Benchmarking Institutes</b>	Australian Institute of Higher Education King's Own Institute Macquarie University Southern Cross University University of Newcastle Western Sydney University

## Version History

v2.2 28 July 2020 Policy approved by Governing Council

v2.3 26 April 2022 Minor amendments in response to TEQSA CRICOS initial assessment report

## **I. Preamble**

### *1.1 Purpose*

The purpose of Student Grievance Management Policy ('the Policy') is to outline the protocols that Churchill Institute of Higher Education ('the Institute') must undertake with an aggrieved student(s) in an effective, timely, fair, and equitable handling system which is easily accessible and understood.

### *1.2 Background*

The Institute will recognise that effective grievance management contributes to an improved work environment for all students. Therefore, it is important to ensure that the following principles guide the grievance resolution process:

- a. the Institute will respond to all complaints and appeals made by a student regarding his or her dealings with the Institute, the Institute's education agents or any related third party.
- b. procedural fairness, includes the right to open communication and the provision of an adequate opportunity for support and representation;
- c. consistent and fair decision making to ensure lack of bias;
- d. equality in the treatment of students, respect for all involved and the opportunity to respond to claims;
- e. resolution at the local level where possible;
- f. timely and effective grievance management;
- g. ethical and equitable practices, including the right to be fully informed on all aspects of the grievance, the direction of any action taken under these guidelines as well as any future possible consequences.

### *1.3 Definitions*

For definitions, please refer to *Dictionary of Terms*.

## **2. Scope**

2.1 This Policy applies to all students of the Institute. However, it is important to note that there is practical limitation on the scope and effectiveness of the grievance resolution process, including:

- a. *Disagreement*: an action or decision may not be unreasonable or unfair simply on the basis the students disagree with the decision, particularly in the case of academic judgment.
- b. *Resources*: grievance related to the availability of resources (facilities & services) may not be resolved due to limitation such as budget and other resources.

2.2 Students should continue their studies as usual during the grievance procedure, except in circumstances where their health or safety is potentially at risk, or where the student poses a health or safety risk to others.

2.3 There are no internal or external grievance and appeal costs to the students. All costs incurred in the appeal process will be borne by the Institute.

## **3. Policy Statement**

This Policy is designed to provide students a platform to resolve grievances with provision for confidentiality, independent professional advice, advocacy and other support for the grievant.

#### **4. Grievances Management Procedures**

##### *4.1 Informal Discussion – Stage 1*

- 4.1.1 Before an issue becomes a formal grievance, students should be encouraged, whenever possible to resolve concern or difficulties directly with the person responsible. The communication may be in the form of email, telephone or in person.
- 4.1.2 This stage is intended to provide opportunity to be resolved at local level with fewest number of people involved, to avoid the grievance escalating in scope and impact.
- 4.1.3 The person responsible for the grievance should follow up the issue with the students, the outcome of this informal stage includes, but not limited to: aggrieved student accepts the resolution offer, alternative solution was proposed and accepted by the aggrieved student, or the aggrieved student reject the resolution. In the latter case, aggrieved student might proceed to a formal grievance review.
- 4.1.4 The Institute will maintain the student's enrolment while the grievance management process is ongoing.

##### *4.2 Formal Review – Stage 2*

- 4.2.1 Formal grievance must be submitted in writing to the Course Coordinator, and must include a clear statement of the grievance, all the relevant facts about the grievance and what resolution the aggrieved student is seeking.
- 4.2.2 Receipt acknowledgement should be sent within 5 (five) working days and the grievance process will commence 10 (ten) days of the receipt of the written grievance and all reasonable measure will be taken to finalise the process as soon as possible.
- 4.2.3 Course Coordinator may refer or delegate the responsibility for dealing with the grievance to a grievance facilitator and this process must be completed within the given timeframe.
- 4.2.4 To proceed with the grievance resolution, clarification from the aggrieved student must be sought by written or verbal request of by conduction face to face interview. In the case of face to face interview, a third party must present to witness the process. The student has the right to request they be accompanied to any interview by a support person of their choosing.
- 4.2.5 Following the clarification process, Course Coordinator or grievance facilitator will endeavour to resolve the grievance by providing a written explanation on the steps taken to address the grievance, the outcome of the review process including the reasons. The decision should be made within 10 (ten) working days from the clarification process takes place.
- 4.2.6 In the case the grievance is not resolved during this formal review, the students or other aggrieved party may contest the decision and proceed to stage 3 – Internal Appeals.

##### *4.3 Internal Appeal – Stage 3*

- 4.3.1 All internal appeals will be considered by the *Student Grievance and Appeal Committee* ('the Committee'). This Committee is a sub-committee of the Teaching and Learning Committee, and will normally comprise the relevant Course Coordinator, Academic Manager and a member of academic staff nominated by the Dean. Where the appeal relates to either:
  - a grievance related to the Course Coordinator or Academic Manager; or
  - a previous decision in which the Course Coordinator or Academic Manager have participated in its determination,the Dean will appoint an alternative impartial committee member from the Institute's staff.
- 4.3.2 The aggrieved student must lodge the appeal within 10 (ten) working days since the decision of stage 2 appeal is received. The nature of the grievance should be explained, includes the chronological summary of the grievance, the outcome of the formal review stage and the ground for internal appeal, as well as what outcome is seeking from the internal appeal. The

application is addressed to the Committee.

- 4.3.3 The Committee upon the acceptance of the application, within 10 (ten) working days should have notified the aggrieved student on the date and place of hearing, as well as the student's right and responsibilities. The student has the right to request they be accompanied to any hearing by a support person of their choosing.
- 4.3.4 For most grievances, the committee will examine all material related to the appeal and consider the matter afresh, however, some forms of appeal are limited to review on procedural grounds only especially in the matter related to academic judgment.
- 4.3.5 The committee will notify the decision in writing to the aggrieved student within 10 (ten) working days of the completion of hearing. The reasons for the decision should also be clearly explained.
- 4.3.6 In the case where the student is not satisfied with the decision, they may seek an external appeal.

#### 4.4 External Appeal – Stage 4

- 4.4.1 If the grievant is not satisfied with the outcome of the formal process, the grievant may request that the matter is dealt with through an external dispute resolution process. The Institute has provision for review by an appropriate independent third party if the internal process fail to resolve a grievance. There are several avenues for external dispute resolution which can be followed by any person who believes that their grievance has not been satisfactorily resolved.

Should the Institute consider the matter is not resolved, the Institute may also request the matter be resolved using External Mediation with the consent of the grievant.

- a. *External Mediation.* The grievant may contact the Institute's External Mediator and request mediation of an unresolved grievance and appeal. The grievant can apply for External Mediation by completing the Application for External Review (available at reception or downloaded directly from Resolution's website. The Institute will cover any fees charged by the External Mediator.

The Resolution Institute is an independent national association of dispute resolution.

Level 1, 13–15 Bridge St, Sydney NSW 2000

Telephone: (+ 61) (2) 9251 3366

Fax: (+ 61) (2) 9251 3733

Free call within Australia: 1800 651 650

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

Website: <https://www.resolution.institute/>

- b. If a complainant/student is of the opinion that their issue is of the nature that they do not wish to go to mediation and rather choose to go to arbitration through Resolution Institute, CIHE will facilitate and pay for that.

Details of arbitration process can be found on the link below:

<https://www.resolution.institute/resolving-disputes/arbitration>

Resolution Institute arbitration rules can be viewed at link:

<https://www.resolution.institute/documents/item/1844>

A complainant/student can submit online arbitration application at the link below:

[https://www.resolution.institute/forms/command/display\\_form?formID=33](https://www.resolution.institute/forms/command/display_form?formID=33)

- c. Once complainant/student has submitted their arbitration application online, they should forward Resolution Institute invoice or payment link to [info@churchillinstitute.com.au](mailto:info@churchillinstitute.com.au) for payment of arbitration application fees. However, if complainant/student have paid the charges, they can get

the paid fees reimbursed from CIHE by providing an application for refund with the bank account details. All paid arbitration fees will be refunded within 7 days. The Institute will cover any fees charged by the Resolution Institute.

- d. *Overseas Student Ombudsman*. The Overseas Student Ombudsman investigates grievances about problems that overseas students have with private education and training in Australia. Contact details for the Overseas Student Ombudsman are:

Telephone 1300 362 072

Email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

Website: [www.oso.gov.au](http://www.oso.gov.au)

- e. *Australian Competition and Consumer Commission (ACCC)*. If a person cannot resolve a problem with the Institute relating to grievances that are related to the *Competition and Consumer Act 2010*, contact can be made with the ACCC <http://www.accc.gov.au/>
- f. *Fair Trading, New South Wales*. If a person cannot resolve a problem with CIHE relating to fair trading matters, contact can be made with Fair Trading on 13 32 20.  
[http://www.fairtrading.nsw.gov.au/ftw/Consumers/Buying\\_services/Education\\_and\\_training.page](http://www.fairtrading.nsw.gov.au/ftw/Consumers/Buying_services/Education_and_training.page)
- g. *Tertiary Education Quality and Standards Agency (TEQSA)*. Students studying with a higher education provider can contact the Tertiary Education Quality and Standards Agency (TEQSA) to register a grievance about education quality issues <http://www.teqsa.gov.au>

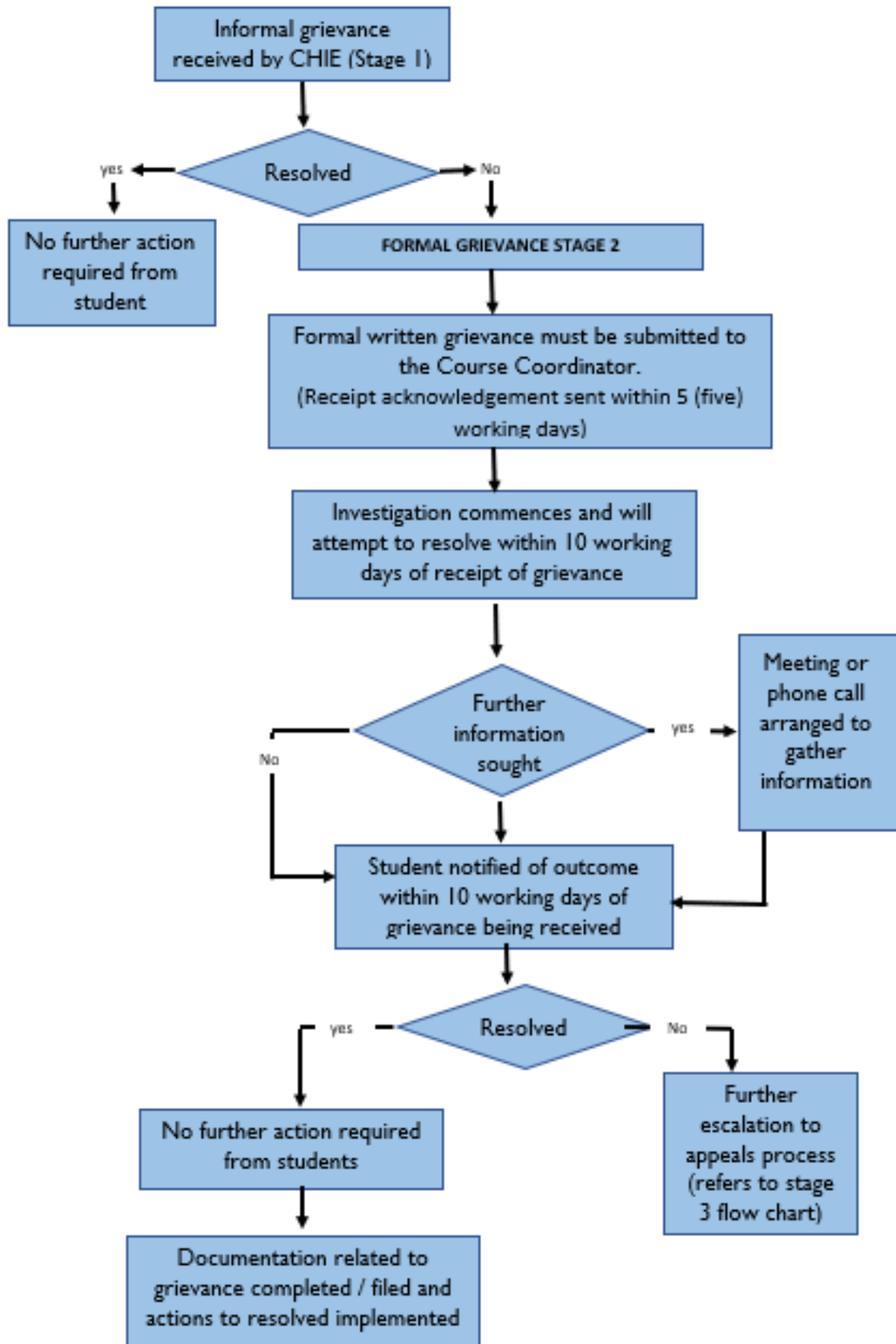
- 4.4.2 Upon notification of an outcome from an external review body, the Institute will immediately implement any decision that the external body finds in favour the student and will undertake any preventative or corrective action required by the decision.

## **5. Confidentiality and Non-Victimisation**

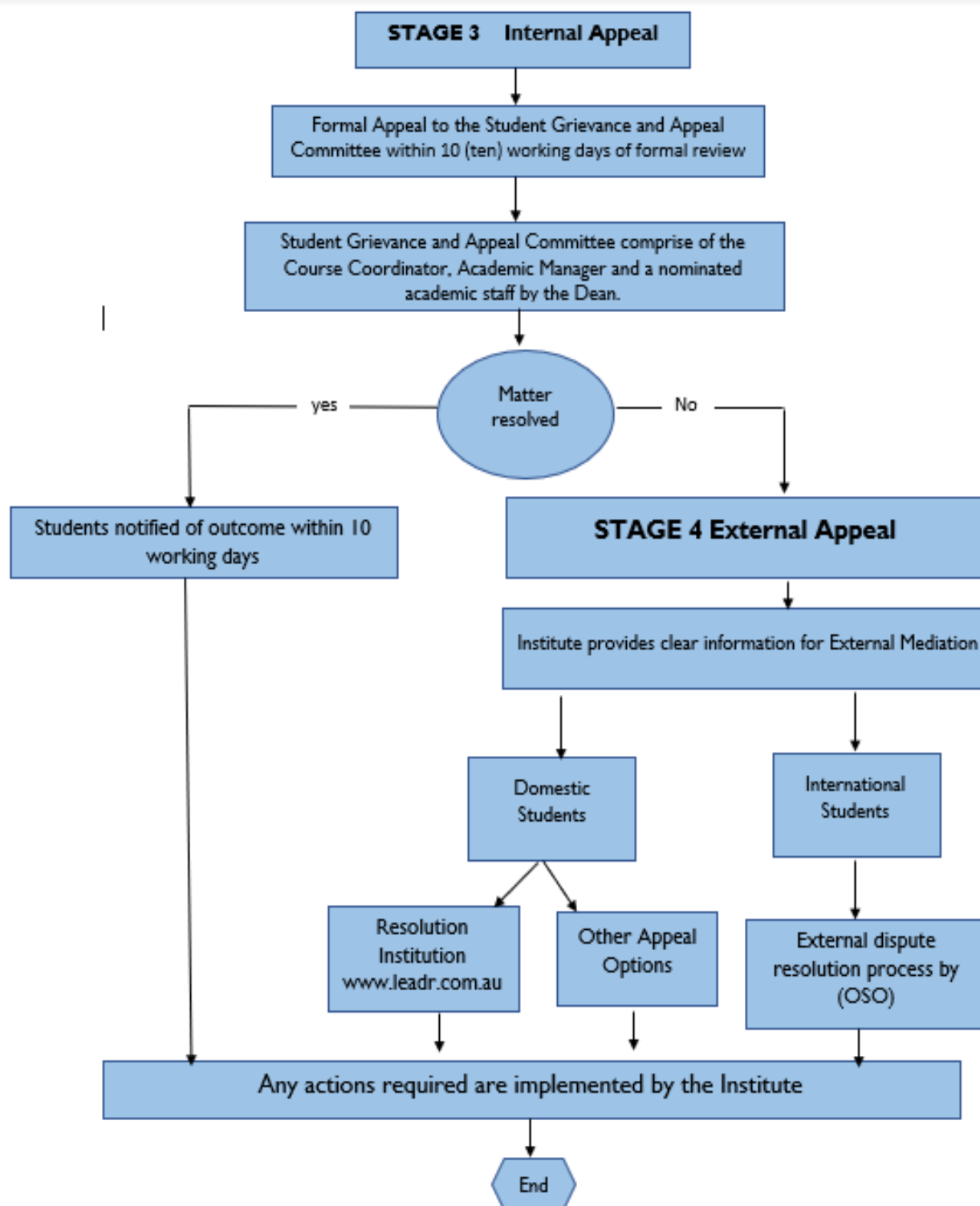
- 5.1 All parties involved in the grievance resolution process are required, at all stages, to maintain confidentiality in relation to the issues. The facts or substance of the matter must not be disclosing, by any form of communication to anyone other than student's representative or a qualified counsellor.
- 5.2 A written record of all grievances handled under this procedure and their outcomes shall be maintained for a period of at least five years to allow all parties access these records (or longer period if required by other legislation).
- 5.3 All records relating to the grievance resolution process will be treated as confidential.
- 5.4 Similarly, all parties involved in the grievance resolution process must not victimise or subject another party to a detrimental action as a consequence of raising and providing information about the grievance.
- 5.5 Any breach of either the confidentiality or non-victimisation requirements will be treated seriously by the Institute and may result in disciplinary action. Any such breach will be referred to the Governing Council for investigation and handling.



**Appendix:  
Grievance and/or Appeal Procedure Flow Charts**



If Appeal is not resolved at Stage 1 and 2, refer to Flow Chart below (Stage 3 and 4)



Non-academic Grievance and/or Appeal Process Flow Chart

