

# Academic Grievance Policy and Procedure

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## Purpose

The Heath Arts College is committed to providing an effective, efficient, timely, fair and confidential academic grievance handling procedure for all Students.

Academic matters include student progress, assessment, curriculum and awards for an approved course.

## Scope and Application

This policy is applicable to all complainants of the College, irrespective of their place of residence, campus (within Australia) or mode of study. Complainants with the College who transfer their studies to an institution outside Australia, will have their registration with the College terminated and are required to adhere to the guidelines, policies and procedures outlined by the legal entity to whom they have transferred their registration, unless their grievance relates specifically to an instance when their registration with the College in Australia was current and is to be upheld by all staff and students. Outlined below is both the policy relevant to Academic Grievances and the process for lodging the complaint. This policy will be made available to students via the follow communication avenues; website, student handbook and accessible to staff via staff handbook at the induction stage of employment.

All parties will be advised of modification to this policy as the need for modification arises through the continuous improvement process and or the direction of the regulatory authorities.

## Policy Principles

### 1. Grounds for Lodging an Academic Grievance.

1. Academic Grievance can only be lodged under the following four (4) grounds.
  - i. Performance in an assessment suffered through illness or other factors which the student was unable or, for valid reasons, unwilling, to disclose before the results were awarded. A grievance under such grounds will normally be dismissed unless an acceptable explanation is given for not presenting the extenuating circumstances in advance of the results having been awarded.
  - ii. An assessment was not conducted in accordance with the approved College program requirements
  - iii. There was a material administrative error in the conduct of an assessment or other academic decision.
  - iv. Some other material irregularity occurred in making an academic decision.
2. Grounds where a grievance lodgement is not required as alternative;
  - i. Academic grievances may only be made against formal published decisions - NOT AGAINST INFORMAL marks or grades.
  - ii. The College will not accept academic grievances based on a claim by the student that they did not know or fully appreciate the assessment requirements and procedures, or that they were unaware of the grievance procedure, or their rights and

responsibilities, which includes the process for presenting extenuating circumstances

## **2. The Principles that Underpin these Grievance Procedures.**

2.1 The guiding principles of these procedures are that grievances shall be:

- a. Treated seriously and with fairness;
- b. Dealt with in a timely manner;
- c. Treated consistently across the College;
- d. Subject to the principles of natural justice;
- e. Progressed through informal and formal stages;
- f. Allow web video conferencing or other similar means where complainants cannot attend in person;
- g. Dealt with and resolved wherever possible without recourse to the formal stage, and shall be without prejudice to a complainant's right to pursue legal remedies outside the College having exhausted Colleges' grievance procedures;
- h. The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other education provider policies or under statute or any other law.

## **3. Obligations of the College in managing an academic grievance:**

3.1 The complainant will be given the opportunity to present their case;

- a. All matters arising shall be accurately documented and recorded. Records shall be maintained for a minimum period of five years and treated as confidential in accordance with Personal Information -Privacy Policy
- b. A written statement of the outcomes will be issued at each stage of the process giving due reasons for decisions reached;
- c. The complainant will have the right to have a representative present during any negotiations with The College or its appointed representatives;
- d. The complainant will not be required to meet any costs associated with lodging a grievance, provided the procedures contained herein are adhered to;
- e. The complainant shall not be subject to discrimination, victimisation or any other form of harassment as a result of actions taken under these guidelines.

3.2 The College allows all parties that have used the policy and procedure relating to the complaint appropriate access to any records.

## **4. Informal Grievance**

4.1 Where the student presents with an informal grievance the following actions are suggested to prevent the progress to a formal grievance.

- a. Students are encouraged to first discuss issues with their trainer.
- b. Where the issue is regarding the trainer the student can proceed to discuss concerns with the Academic Student Support Officer.
- c. Where the student feel more comfortable the student can make an appointment to speak with the Compliance Manager informally.
- d. Where the student is dissatisfied with the outcome from the informal grievance, they may proceed to the Formal Grievance procedure.
- e. The engaging officer of the college will document the informal grievance in the event that the grievance is escalated to a formal grievance.

- f. The time frame assigned to addressing an informal grievance is 14 days.
- g. The engaging officer is to check in with the student after 14 days to see if the issue has been rectified.

## 5. Formal Grievance

5.1 General principles that apply to all stages of this grievance procedure will be adhered to by The College, are:

- a. The Complainant and respondent will have the opportunity to present their case at each stage of the procedure.
- b. The Complainant and/or the respondent have the option of being accompanied/assisted by a third person (such as a family member, friend or counsellor) if they so desire.
- c. The Complainant and the respondent will not be discriminated against or victimised.
- d. At all stages of the process, discussions relating to complaints, grievances and appeals will be recorded in writing. Reasons and a full explanation in writing for decisions and actions taken as part of this procedure will be provided to the Complainant and/or respondent if requested.
- e. Records of all grievances will be kept for a period of five years. These records will be kept strictly confidential and stored in a secure office of The Heath Arts College Pty Ltd. 1/94 Foster Street, Dandenong, VIC 3175.
- f. A Complainant shall have access to this entire grievance procedure (internal and external) at no cost.
- g. Should THA consider longer than 60 calendar days to process and finalise the complaint or appeal, THA will inform the complainant or appellant in writing and include reasoning and regularly update the complainant or appellant on the progress of the matter.

# Academic Grievance Procedure

## Stage 1 – Logging a complaint

| No. | Who   | Actions   |
|-----|---|---|
| 1.1 | <b>Complainant</b>                                | <p>Student completes a Grievance Form together with any supporting documentation to the Compliance Manager of The Health Arts College via email on <a href="mailto:compliance@thacollege.edu.au">compliance@thacollege.edu.au</a> or mail 1/94 Foster Street, Dandenong, VIC 3175.</p> <p>If the grievance involves the Compliance Manager themselves they will then delegate to another senior staff member of the College (Authorised Delegate).</p>  |
| 1.2 | <b>Compliance Manager/<br/>Authorised Officer</b> | <p>The Compliance will provide the Complainant with acknowledged in writing of the complaint within 5 days of receipt. The Complainant is advised of their right to be accompanied or assisted by another person, at that third party cost.</p>   |
| 1.3 | <b>Compliance Manager/<br/>Authorised officer</b> | <p>Upon receiving the complaint, the Compliance Manager may request further details from the complainant. This may be sought by written or verbal request or by face-to-face interview with the complainant and/or respondent(s).</p> <p>When such clarification occurs in a face-to-face interview, the persons being interviewed may have another person accompany them.</p> <p>Investigation into the matter will take place to ensure THA has accurate, complete and relevant information.</p> <p>The Compliance Manager/authorised officer will review the information and decide on the appropriate actions to be taken.</p> <p>During the investigation process, Should THA consider longer than 60 calendar days to process and finalise the complaint or appeal, THA will inform the complainant or appellant in writing and include reasoning and regularly update the complainant or appellant on the progress of the matter</p> |
| 1.4 | <b>Compliance Manager/<br/>Complainant</b>        | <p>The Compliance Manager will endeavour to resolve the complaint. Within ten working days, a written report to the complainant on the steps taken to address the complaints and will include their recommendations and reasons for their decision.</p> <p>The report will further advise the complainant of their right to access the internal appeals process if they are not satisfied with the outcome of the formal complaint.</p>   |
| 1.5 | <b>Compliance Manager/<br/>Complainant</b>        | <p>The Compliance Manager or Authorised officer will check in with the Complainant no later than 14 days after the outcome has been advised of to ensure that the student is satisfied with the provided resolution and that implementation has been taken effect.</p> <p>Following the complaint, appropriate actions will be taken by THA to prevent the problem from reoccurring through its Continuous Improvement policy</p>   |
| 1.6 | <b>Complainant</b>                                | <p>The Complainant will be provided with an outcome letter using the prescribed outcome letter format which will advise the complainant of the outcome and their right to appeal the outcome decision and on how to proceed to stage two of this process where they are dissatisfied with the outcome.</p>  |

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## Stage 2 – Right to an appeal (Internal)

| No. | Who                                  | Actions   |
|-----|--------------------------------------|---|
| 2.1 | <b>Complainant</b>                   | <p>Where the complainant is dissatisfied with the outcome from the initial investigation, and choose to proceed with stage two of the academic grievance procedure, they will need to lodge an appeal to the CEO of The Health Arts College via email on <a href="mailto:ceo@thacollege.edu.au">ceo@thacollege.edu.au</a> or 1/94 Foster Street, Dandenong, VIC 3175.</p> <p>If the grievance involves the CEO themselves they will then delegate to another senior staff member of the College (Authorised Delegate).</p>  |
| 2.2 | <b>CEO</b>                           | The CEO will provide the appellant with acknowledgment in writing of the appeal within 5 days of receipt. The appellant is advised of their right to be accompanied or assisted by another person, at that third party cost.  |
| 2.3 | <b>CEO/Independent Reviewer</b>      | The appellant appeal will be determined by the CEO of the College and/or an independent and impartial officer of The Heath Arts College Pty Ltd, referred herein as the Reviewer.   |
| 2.4 | <b>Complainant</b>                   | <p>The Reviewer will conduct all necessary consultations with the appellant and other relevant persons and make a determination of the appeal. The appellant will be advised in writing of the outcome of their appeal, including the reasons for the decision within 10 working days.</p> <p>Where possible such consultations should take the form of face-to-face interviews. The complainant or the respondent may ask another person to accompany them to these interviews.</p> <p>Following the consultation, the CEO/ Reviewer will provide a written report to the complainant within 20 working days, advising the further steps taken to address the complaint, including the reasons for the decision.</p> <p>The report will further advise the complainant of their right to access the external appeals process if they are not satisfied with the outcome of their internal appeal</p> |
| 2.5 | <b>CEO/ Reviewer<br/>Complainant</b> | <p>The CEO or Reviewer will check in with the appellant no later than 14 days after the outcome has been advised of to ensure that the student is satisfied with the provided resolution and that implementation has been taken effect.</p> <p>Following the complaint, appropriate actions will be taken by THA to prevent the problem from reoccurring through its Continuous Improvement policy</p>  |
| 2.6 | <b>CEO</b>                           | The appellant will be advised in writing of the outcome including on how to have the decision reviewed further and which will include progressing to Stage Three of the grievance procedure if they consider the matter unresolved. Stage three is referral for external mediation.   |

## STEP 3 – External mediation

| No. | Who                | Actions  |
|-----|--------------------|--|
| 3.1 | <b>Complainant</b> | If the complainant is dissatisfied with the outcome of their appeal, they may make a written request to the CEO of The Health Arts College via email on <a href="mailto:ceo@thacollege.edu.au">ceo@thacollege.edu.au</a> or mail 1/94 Foster Street, Dandenong, VIC 3175 for |

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|     |   | <p>the matter to be resolved through an external independent dispute resolution body. A complaint can be made directly to:</p> <p>Disputes Settlement Centre of Victoria<br/>         4/456 Lonsdale St<br/>         Melbourne Vic 300<br/>         Ph: 1300 372 888<br/>         Email: <a href="mailto:dscv@justice.vic.gov.au">dscv@justice.vic.gov.au</a><br/> <a href="http://www.disputes.vic.gov.au/">http://www.disputes.vic.gov.au/</a></p> |
| 3.2 | <b>CEO</b>                                    | The CEO will provide the appellant with acknowledgment in writing of the notice within 5 days of receipt. The complainant is advised of their right to be accompanied or assisted by another person, at that third party cost.   |
| 3.3 | <b>CEO</b>                                    | <p>The purpose of an external appeals process is to consider whether The College has followed its policies and procedures. The purpose of an external appeals process is to review the decision made by The College.</p> <p>The College will give due consideration to any recommendation made as a result of the external review.</p>   |
| 3.4 | <b>CEO/Complainant/<br/>External Mediator</b> | The Health Arts College will cover costs for lodging appeals. The external body will investigate the case, make an assessment and advise the Complainant of the outcome. The external dispute resolution will also notify the College CEO of the outcome of the external appeal.   |
| 3.5 | <b>CEO/ External<br/>Mediator</b>             | Any recommendations in relation to a grievance or appeal provided to The Health Arts College will be considered within 10 working days of receipt  |
| 3.6 | <b>CEO/Complainant/<br/>External Mediator</b> | The College will consider the recommendations and will provide a written notice to each party the decision on review, including the reasons for the decision. Where the recommendations have been considered, THA will implement these within 10 working days.   |
| 3.7 | <b>Compliance<br/>Manager</b>                 | <p>Following the complaint, appropriate actions will be taken by THA to prevent the problem from reoccurring through its Continuous Improvement policy. A grievance and appeals outcome form will be completed</p> <p>The complaint details and outcomes will be added to THA's Complaints and Appeals Register for review by Management</p>   |
| 3.8 | <b>Compliance<br/>Manager</b>                 | Allows parties who have used the procedure to access the records of that use, but otherwise keep the records confidential  |