

HEPP03 Student Complaint and Grievance Policy and Procedure

PURPOSE

This policy and procedure sets out the process for the management of complaints and grievances raised by students.

SCOPE

This policy and procedure applies to all students of Southern Cross Education Institute (Higher Education) and staff involved in the management of complaints and grievances, including the quality of the student support services, teaching, administration, bullying, harassment, discrimination and any other areas of perceived inappropriate, unfair or discriminatory treatment, action or decision. It does not apply to academic issues such as outcomes of assessment, grades, misconduct, plagiarism or refusal of application for course credit.

DEFINITIONS

Appellant	The person(s) lodging an appeal to the outcome of a complaint or grievance.
Complainant	The person(s) lodging the complaint or grievance.
Complaint	Written or verbal notification of dissatisfaction with any part of the services provided by Southern Cross Education Institute (Higher Education).
Grievance	A complaint of a behaviour or action which has or is likely to have an unreasonable negative impact on the student in relation to their studies.
Respondent	The person(s) against whom the complaint or grievance has been made.
SCEI-HE	Southern Cross Education Institute (Higher Education).
<i>ESOS National Code</i>	The ESOS National Code refers to the National Code of Practice for Providers of Education and Training to Overseas Students 2018 established under the Education Services for Overseas Students Act 2000.

POLICY

1. SCEI-HE is committed to providing effective, timely, fair, and confidential complaint and grievance handling processes for all students. For this reason, Students are informed of the Complaint and Grievance Policy and Procedure throughout the enrolment process. The information is made available on the SCEI-HE website, at <https://www.scei-he.edu.au/policies-procedures-forms/forms/>.

2. Any complaint or grievance of an alleged criminal nature will be reported to the Police or other relevant authority.

3. Where possible, all informal attempts should be made to resolve the complaint or grievance in the first instance. This may include advice, discussions, and general mediation in relation to the adverse event and the nature of the complaint or grievance.

4. A student may escalate a complaint or grievance to a formal process at any stage.

5. General principles that apply to all stages of this policy and procedure will be adhered to by the Institute are:

5.1. All formal complaints and grievances must be reported in writing within four weeks of the adverse event occurring

5.2. The complainant and respondent will have the opportunity to present their case at each stage of the process

5.3. The complainant or respondent at any stage of the complaints and/or grievances process may seek the support of an independent third party.

5.4. All complaints and grievances will be managed in a confidential manner without any retribution to either the complainant or the respondent

5.5. The complainant and respondent will not be discriminated against or victimised

5.6. At all stages, discussions relating to complaints and grievances will be recorded in writing. Full explanations for decisions and any action taken will be provided to the complainant or respondent if requested.

5.7. All records relating to the complaint or grievance will be kept for a minimum of five years. Any records or documentation is to be kept strictly confidential and stored securely in the student's administration file and student management system.

5.8 Where complaints or grievances cannot be resolved internally, the Student will be referred to an appropriate external and independent body to review the case.

PROCEDURE

Informal Complaint or Grievance

1. Where appropriate, students should attempt to make reasonable endeavours to resolve a complaint or grievance informally before raising it as a formal complaint or grievance.
2. The complainant should approach the person involved, if appropriate. The complainant may seek support from a third party prior to approaching the person involved.
3. The most appropriate step for the complainant is to talk to the person who is the cause of the complaint or grievance about how their actions are impacting upon them (this depends on the nature of the complaint or grievance).
4. If the complaint is about behaviour, the complainant may choose to describe to the other party why they feel the conduct is offensive, intimidating, humiliating or hurtful and ask for it not to continue.
5. If it is about Institute processes or a course matter, the complainant should describe to the other person the nature of the complaint and a possible resolution.
6. Should these steps fail to reach a resolution, the complainant may raise the complaint with their Course Coordinator or Student Welfare Officer, who should provide advice and information on how to manage the situation.
7. If a resolution is reached, then the matter is finalised.
8. If the matter is not successfully resolved, the complainant may continue the formal complaint or grievance process.

Formal Complaint or Grievance

1. Formal complaints or grievance should be submitted in writing to the Student Welfare Manager or Officer, who will refer it to the Manager appropriate to the complaint. The notification of the complaint must provide a description of the complaint or grievance in detail including relevant information such as names, dates, venues, course details, and any supporting documentation, e.g., emails.
2. The complainant must also indicate what actions they have already taken to resolve the complaint or grievance and indicate the outcome they are seeking.
3. If a formal complaint lacks sufficient information, it may not be possible for the Institute to investigate.
4. Upon receipt of the formal complaint or grievance a delegated officer will be appointed.
5. The delegated officer will investigate the complaint or grievance by:
 - 5.1. Validating the complaint
 - 5.2. Verify the facts of the complaint
 - 5.3. Obtain all the evidence related to the nature of the complaint, including policies and procedures
 - 5.4. Conducts discussions and interviews with the relevant parties e.g., complainant and respondent
6. Following the investigation phase, the delegated officer will:
 - 6.1. Analyse all the evidence gathered
 - 6.2. Formulate the findings
 - 6.3. Determine the outcome and any recommendations, these may include:
 - 6.3.1. Counselling
 - 6.3.2. Mediation
 - 6.3.3. Formal apology
 - 6.3.4. Disciplinary action e.g., warning

7. Review of the Institute’s policies and procedures
8. The delegated officer will prepare a response of the investigation and outcome of the complaint for the Institute’s records and provide it to the Manager and Academic Board.
9. The complainant will be advised in writing of the outcome of the complaint or grievance investigation including detailed reasons for the outcome, within ten working days of the formal complaint or grievance being received.
10. The complainant will be advised of their right to access the appeals process if they are not satisfied with the outcome within ten working days of the investigation concluding.

Appeals

1. All students have the right of appeal for a reversal, change or reconsideration of the decision where they are not satisfied with the decision.
2. Appeals must be submitted within the timelines set out in this policy and procedure.
3. Upon receipt of an appeal, the Manager will arrange the appropriate SCEI-HE staff to:
 - 3.1 Register the appeal in the appeals register
 - 3.2. Acknowledge receipt of the appeal in writing to the appellant within two working days of the appeal being received
 - 3.3. Refer the appeal to an independent review
4. The reviewer will conduct all necessary consultations with the appellant and other relevant parties.
5. The appellant will be advised in writing of the outcome, including detailed reasons within ten (10) working days.
6. If the appeals process results in a decision or recommendation in favour of the appellant, SCEI-HE will, within 24 hours, implement the decision or recommendation and/or take preventive or corrective action required by the decision or recommendation and advise the appellant of that action.
7. The student has a right to seek an external appeal from bodies such as.
 - 7.1 The Victorian Ombudsman <https://www.ombudsman.vic.gov.au/Complaints/Got-a-Complaint>
 - 7.2 The Overseas Students Ombudsman <https://www.ombudsman.gov.au/How-we-canhelp/overseasstudents>
 - 7.3 The Administrative Appeals Tribunal (FEE-HELP) <https://www.aat.gov.au/>
 - 7.4 The Resolution Institute's Expert Determination service <https://www.resolution.institute/>
8. There is no cost to students for internal appeals. SCEI-HE will pay 50% of any financial expenses incurred to students from external appeals processes.

RELATED DOCUMENTS

- HEPP02 Academic Misconduct Policy and Procedure
- HEPP05 Academic Appeals Policy and Procedure
- HEPP07 Student Conduct Policy
- HEPP29 Student Progress and Exclusion Policy and Procedure
- HEMIS14 Student Charter

LEGISLATIVE CONTEXT

- Age Discrimination Act 2004 (Cwth)
- Disability Discrimination Act 1992 (Cwth)
- Charter of Human Rights and Responsibilities Act 2006 (VIC)
- Equal Opportunity Act 2010 (VIC)
- Occupational Health and Safety Act 2004 (VIC)
- Privacy and Data Protection Act 2014 (VIC)
- Protected Disclosure Act 2012 (VIC)
- Racial Discrimination Act 1975 (Cwth)
- Sex Discrimination Act 1984 (Cwth)
- Education Services for Overseas Students (ESOS) Act 2000
- The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as ‘the National Code 2018 - Standard 10
- Higher Education Support Act 2003

RESPONSIBILITIES

Management

- Promoting a culture that encourages the efficient, timely and effective management of all complaints and/or grievances
- Publicising how and where complaints and grievances can be made
- Ensuring confidentiality to all parties involved in the complaint and/or grievance

Delegated Officer

- Conducting a thorough investigation into all formal complaints and grievances received
- Communicating to relevant parties
- Ensuring confidentiality

Students

- Promptly attempt to resolve any complaints or grievances using an informal process
- Cooperating with the formal reporting and investigation process of any complaints and/or grievances
- Abide by the Student Charter and Student Conduct Policy

Author	Academic Director
Date Created	February 2018
Amended	March 2019, April 2020, February 2021, March 4 2021,
Approved	Academic Board, 10 February 2021
Effective date	February 2018
Version	2.3;2.4
Review date	February 2023