Student Grievance and Appeals Policy

RSY-SAS-PY-006-v2.3 Student Grievance and Appeals Policy
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1 Purpose

The aim of the Policy is to ensure that both Raffles College Design and Commerce and its Students are protected when a student submits a complaint or grievance. The Policy also serves to provide an effective, efficient, timely, fair, and confidential grievance and appeal handling procedure for all Students.

2 Scope

This Policy covers both academic and non-academic grievances and appeals, and applies to all campuses delivering Raffles College of Design and Commerce (RCDC) awards and qualifications.

The Academic Director is responsible for the training of academic staff in the application of the Academic Grievance and Appeal policy.

The Student Services Director and/or Student Services Manager is responsible for the training of support staff in the application of the Non-Academic Grievance and Appeal policy.

The CEO is responsible for implementation of this policy and procedure and ensuring that all staff are fully trained in its operation and all students and complainants are made aware of its availability.

3 Definition of Terms

**Academic matters** include those matters which relate to student progress, assessment, course content, or awards in a course of study.

**Non-academic matters** are administrative matters which do not relate to student progress, assessment, course content or awards in a course, and may include grievances in relation to support and administration functions of the College, or personal information that RCDC holds in relation to the student.

**Complainant** refers to Students (as defined below) who have lodged a grievance or appeal with RCDC.

**Respondent** refers to a staff member or department representing RCDC whom a complaint or appeal has been lodged against.

**Service of notice of decision/determination** refers to the manner and timing involved when a student/complainant is deemed to have received notice of decisions/determinations sent by post, fax, or email.

**Student/s** refers to all persons, including current and past students enrolled with RCDC and prospective students who are seeking enrolment with RCDC. Current and past students may lodge academic & non-academic grievances, prospective students may only lodge non-academic grievance relating to application, selection or admission process.

4 General Policy principles

These principles, which will be adhered to by RDCC, apply to all stages of this grievance and appeal procedure:

a) Student complaints and grievances will be treated in a serious, sensitive, confidential and timely manner.
b) Staff involved in resolving student complaints or grievances will act fairly at all times and ensure that decisions are based on a thorough and unbiased consideration of facts and views expressed by all parties.

c) Only the aggrieved student may make a complaint or give notice of a grievance within this policy.

d) It is desirable that student grievances procedures are kept as informal as possible based on principles of mediation and negotiation.

e) A student making a formal complaint or grievance has to clearly identify the issue in writing and give all available information in support of the complaint or appeal.

f) The complainant and any respondent will each have the opportunity to present their case at each stage of the procedure.

g) The complainant and any respondent each have the option of being accompanied/assisted by a support person (such as a family member, friend, or counsellor) at the relevant meetings.

h) The complainant and any respondent will not be discriminated against or victimised throughout the process of the complaint and appeal resolution.

i) A student may withdraw a grievance at any stage by giving written notice to the person currently handling it.

j) RCDC may choose not to act on a grievance that it views as malicious or vexatious.

k) The student's enrolment status will be maintained pending the outcome of the grievance and appeal process.

l) The complainant shall have access to this grievance procedure at minimal or no cost.

m) The complainant will be advised in writing of the outcome taken as part of the formal procedure, including details of the reasons for the outcome, and the student's right to make a complaint to an external mediator if he/she is not satisfied with the outcome.

n) Records of all formal grievances and appeal will be kept for a period of five years. These records will be kept strictly confidential and stored securely.

o) Service of notice of decision/determinations: A notice or other document is deemed to be given to a student by:

  o leaving a copy or posting it to the student's residential address; or

  o sending an electronic copy to the student’s electronic address (whether a fax, email, website or other electronic address).

  o the student’s residential or electronic address shall be the most recent address shown in RCDC’s student records; and

  o unless the contrary is clearly proven, the document shall be deemed to have been served (as the case may be) at the time:

    ▪ of leaving the copy at the student's residential address;

    ▪ when the posted document would have been received in the ordinary course of post; or

    ▪ when RCDC’s equipment records the successful electronic sending of the document to the student’s fax, email, website or other electronic address.

5 Student Grievance & Appeal Handling Procedure

The complainant and respondent may be accompanied and assisted by a third party if so desired at all stages of the process.

Reasons and full explanation in writing for decisions and actions taken will be provided to the respondent at every stage of the grievance process, if requested.

The procedure is without charge to current and potential students.
There is provision for external review of decisions by independent external agencies which include:

- Department of Fair Trading (http://www.fairtrading.nsw.gov.au/)
- Administrative Appeals Tribunal (http://www.aat.gov.au)

The respondent will not be victimised or discriminated against.

Students or persons seeking to enrol in a course of study with the College are entitled to access the grievance procedure as set out by the College, regardless of the location of the campus at which the grievance has arisen, the student’s place of residence or the mode in which they study.

The Procedure is in four parts:

Resolving grievances and appeals on academic matters.
- Process for current students.
- Process for prospective students.

Resolving grievances and appeals on non-academic matters.
- Process for current students.
- Process for prospective students.

5.1 Resolving grievances and appeals on academic matters

Academic matters include, but are not limited to:
- matters relating to admissions;
- review of assessment grade;
- recognition of prior learning including transfer credit or advanced standing;
- quality assurance; and
- eligibility for graduation.

5.1.1 Process for Current Students

Students who wish to resolve grievances in relation to any of these academic matters need to follow the process outlined below.

The student (or nominee) initiates the grievance process by discussing orally the nature of the grievance with the person with whom the grievance is held.

If the oral response does not satisfy the student he/she may either speak with or submit a written description of the grievance to the Program Director, who will endeavour to resolve the issue amicably and with respect to the rights and responsibilities of both parties. If the student feels unwilling or unable to approach either the person with whom the grievance is held or the Program Director, the student may seek the support of another person in authority, such as the Academic Director.

If the Program Director or Academic Director is unable to resolve the matter informally, he/she will establish a meeting within 10 working days between the student, the person with whom the grievance is held and any other relevant authorities or persons.

If the matter remains unresolved then a written grievance with full supporting documentation shall be submitted to the Chair of the Academic Board. The Chair (or nominee) will within 10 working days interview all parties individually, and set up a meeting between all parties where arguments and/or witnesses in support of either party can be presented. The Chair will make a final determination on the matter within 10 working days of receiving the written submission, and communicate the outcome.
to all parties. In communicating this outcome the Chair will give reasons and full-explanation in writing for the decision and actions taken as part of the procedures, if requested, by the complainant and/or respondent.

This Grievance and Appeal process does not preclude a student from seeking redress through independent external forums outside the Raffles College process, as mentioned above.

Students should note that:
- the Student Services department will keep appropriate records of grievances for at least five years, and allow parties to the complaint appropriate access to these records;
- the Student Services department will ensure that all records are treated as confidential;
- in the case of an appeal against a grade the result may be that the final grade is either retained, raised or lowered; and
- in a dispute relating to instructions which have been given to students on assessment procedures within a subject, the written guidelines which lecturers have provided to students will be taken as definitive.

- Raffles College will alter this policy immediately and without notice where any conflict arises with relevant legislation and in such cases the requirements of the legislation will take precedence.
- a nominee of the student may be included in the grievance handling processes if the student so chooses.

5.1.2 Process for Prospective Students

Prospective students who wish to appeal against a determination made with respect to admission to Raffles College need to follow the process outlined below:

The prospective student initiates the grievance process by discussing either orally or in writing the nature of their grievance in relation to admission with the Academic Director.

If the initial response does not satisfy the student he/she may either speak with or submit a written description of the grievance to the College Director, who will consider the rights and responsibilities of Raffles College, current students and other prospective students in relation to the matter. The prospective student may seek an advocate to speak and/or act on their behalf, such as the Academic Director or a Program Director.

If a further attempt to resolve the grievance is necessary, the CEO and the Marketing Director meet together and with any other relevant authorities or persons.

If the matter remains unresolved then the student will write the substance of the grievance in a letter accompanied by full supporting documentation and submit it to the Academic Board. The Chair of Academic Board (or nominee) will, within 10 working days, first contact all parties individually and then if necessary set up a meeting or teleconference between all parties where arguments and/or witnesses in support of either party can be presented. The Chair will make a final determination on the matter within 10 working days of receiving the written submission and communicate the outcome to all parties. In communicating this outcome the Chair will give reasons and full-explanation in writing for the decision and actions taken as part of the procedures, if requested, by the complainant and/or respondent.

The Student Services department will keep appropriate records of grievances for at least five years, and allow parties to the complaint appropriate access to these records.

The Student Services department will ensure that all records are treated as confidential.

If the matter remains unresolved there is provision for external review of decisions by an external mediation service and RCDC will participate fully in any mediation.

This Grievance and Appeal process does not preclude a student from seeking redress through independent external forums outside the Raffles College process, as mentioned above.
5.2 Resolving Grievances and Appeals on Non-Academic Matters

Non-academic matters include, but are not limited to:
- welfare issues;
- financial issues;
- bullying;
- harassment; and/or
- discrimination.

There is no charge made by Raffles College to students who choose to pursue grievances through these procedures.

5.2.1 Process for Current Students

Students who wish to resolve grievances in relation to any of these non-academic matters need to follow the process outlined below.

The student (or nominee) initiates the grievance process by discussing orally, if possible, the nature of the grievance with the person with whom the grievance is held. In cases where a power differential exists, the student may not feel comfortable in doing this and therefore may proceed to Stage Two of this process. Alternatively, the complainant may be represented by a third party if desired.

If appropriate, the student or the person with whom the grievance is held may approach the Student Services Director and initiate the mediation process.

If the initial response does not satisfy the student or the student is not able to implement Stage One or Stage Two of this process, he/she may submit a written description of the grievance to the Student Services Director. The Student Services Director will first interview all parties individually and then set up a meeting between all parties where arguments and/or witnesses in support of either party can be presented. The Student Services Director who receives such a written application will process the grievance application within 10 working days.

If the matter remains unresolved then a written grievance with full supporting documentation shall be submitted to the CEO. The Student Services Director in consultation with the CEO will make a determination on the matter within 10 working days of receiving the written grievance and the Student Services Director will communicate the outcome to all parties. In communicating this outcome the Student Services Director will give reasons and full-explanation in writing for the decision and actions taken as part of the procedures, if requested, by the complainant and/or respondent.

If this decision is not accepted by the student, the matter will be referred to the Chair of Council. The Chair of Council shall, within 10 working days, set up a meeting or teleconference between all parties where arguments and/or witnesses in support of either party can be presented. The Chair will make a final determination on the matter within 10 working days of receiving the written submission and communicate the outcome to all parties. In communicating this outcome the Chair will give reasons and full-explanation in writing for the decision and actions taken as part of the procedures, if requested, by the complainant and/or respondent.

The Grievance and Appeal process does not preclude the student seeking redress in other forums outside the Raffles College process, including
- Department of Fair Trading (http://www.fairtrading.nsw.gov.au/)
- Administrative Appeals Tribunal (http://www.aat.gov.au)

A nominee of the student may be included at any stage in the grievance handling negotiations if the student so chooses.

Students should note that:
This is a generic policy for the resolution of Grievances and Appeals and in the case of harassment it may be more appropriate to follow the grievance process outlined in the Harassment Policy located elsewhere in the Student Handbook.

In relation to grievances of a financial nature, the student should discuss the matter with an Accountant in the first instance prior to discussing the matter with the Financial Controller.

Raffles College will:

- Retain confidential records of grievances for five years and allow parties to the complaint access to those records.
- Ensure that students will not be disadvantaged, bullied, harassed or victimized for submitting a grievance or appeal for consideration and as outlined in this policy.
- Notify incoming students of the location of this policy in the Raffles College Policy and Procedures Manual and display copies on each of the teaching floors.
- Induct incoming staff in the location of this policy and in its correct use.
- Alter this policy immediately and without notice where any conflict arises with relevant legislation and in such cases the requirements of the legislation will take precedence.

5.2.2 Process for Prospective Students

Prospective students who wish to appeal against a decision made with respect to non-academic grievances need to follow the process outlined below.

The prospective student initiates the grievance process by discussing either orally or in writing the nature of their grievance with the person concerned.

If the prospective student feels unable or unwilling to approach the person against whom the grievance is held, he/she may either speak with or submit a written description of the grievance to the CEO, who will consider the rights and responsibilities of Raffles College of Design and Commerce, current students and other prospective students in relation to the matter. The prospective student may seek an advocate to speak and/or act on their behalf such as the Academic Director or Program Director.

If a further attempt to resolve the grievance is necessary, the CEO and the Marketing Director meet together and with any other relevant authorities or persons.

If the matter remains unresolved then a written grievance with full supporting documentation shall be submitted to the Academic Board. The Chair of Academic Board (or nominee) will, within 10 working days, first contact all parties individually and then if necessary set up a meeting or teleconference between all parties where arguments and/or witnesses in support of either party can be presented. The Chair will make a final determination on the matter within 10 working days of receiving the written submission and communicate the outcome to all parties. In communicating this outcome, the Chair will give reasons and full-explanation in writing for the decision and actions taken as part of the procedures, if requested, by the complainant and/or respondent.

The Student Services department will keep appropriate records of grievances for at least five years, and allow parties to the complaint appropriate access to these records.

The Student Services department will ensure that all records are treated as confidential.

If the matter remains unresolved there is provision for external review of decisions by an external mediation service and RCDC will participate fully in any mediation.

This Grievance and Appeal process does not preclude a student from seeking redress through independent external forums outside the Raffles College process, as mentioned above.
Resolving Grievances and Appeals on Academic Matters - Flow Chart

All students have the right to bring a nominee to assists in all or part of this procedure.

**Step 1**
Student initiates process by discussing the nature of the grievance with the person with whom the grievance is held.

**Step 2**
Speak or submit a written description of the grievance to the Program Director, or Academic Director.

**Step 3**
The Program Director or Academic Director will establish a meeting or communication between the student, the person with whom the grievance is held, and any other relevant authorities or persons.

**Step 4**
A written grievance with full supporting documentation shall be submitted to Chair, Academic Board. The Chair or its nominee will interview all parties individually and set up a meeting between all parties for all parties present their case. The Chair will make a final determination on the matter within 10 working days of receiving the written submission, and communicate the outcome to all parties.

**Step 5**
Review by independent external bodies:

Decision reached and accepted by student. If not, proceed to step 2.

Decision reached and accepted by student. If not, proceed to step 3.

Decision reached and accepted by student. If not, proceed to step 4.

Decision reached and accepted by student. If not, proceed to step 5.

Decision reached and accepted by student. If not, student may seek further external mediation or legal counsel.
Resolving Grievances and Appeals on Non-Academic Matters - Flow Chart

All students have the right to bring a nominee to assists in all or part of this procedure.

Step 1
Student initiates process by discussing the nature of the grievance with the person with whom the grievance is held.

Decision reached and accepted by student. If not, proceed to step 2.

Step 2
Speak or submit a written description of the grievance to the Student Services Director.

Decision reached and accepted by student. If not, proceed to step 3.

Step 3
The Student Services Director will interview all parties individually and establish a meeting or communication between the student, the person with whom the grievance is held, and any other relevant authorities or persons.

Decision reached and accepted by student. If not, proceed to step 4.

Step 4
A written grievance with full supporting documentation shall be submitted to the CEO. The CEO together with the Student Services Director will make a determination on the matter within 10 working days of receiving the written grievance. The Student Services Director will communicate the outcome to all parties with reasons and full explanation in writing for the decision and actions taken as part of the procedures.

Decision reached and accepted by student. If not, proceed to step 5.

Step 5
Matter referred to the Council Chair who shall set up a meeting or teleconference between all parties where arguments and/or witnesses in support of either party can be presented. The Council Chair will make a final determination on the matter within 10 working days of receiving the written submission and communicate the outcome to all parties.

Decision reached and accepted by student. If not, proceed to step 6.

Step 6
Review by independent external bodies:
- Department of Fair Trading (http://www.fairtrading.nsw.gov.au/)
- Administrative Appeals Tribunal (http://www.aat.gov.au)

Decision reached and accepted by student. If not, student may seek legal counsel.