Student Grievance and Appeal Policy and Procedures

RSY-SAS-PY-006-v3.0 Student Grievance and Appeal Policy and Procedures
Amended Policy and Procedures in accordance to requirements under the National Code, which recognises that both internal and external complaint and appeals processes play a role in ensuring that grievances are appropriately heard and addressed for both the student and the registered provider. These processes will enable students to firstly seek recourse using the registered provider’s internal processes, and then if needed, through an independent, external person or body.

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Distribution List

To: All RCDC Staff
    All RCDC Students
    All Associate Colleges, College Directors

Cc: Chair, Council
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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

2.1 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.

2.2 The Academic Director is responsible for the training of academic staff in the application of the policy and procedure in relation to grievance and appeals for academic matters.

2.3 The Student Services Director and/or Student Services Manager is responsible for the training of support staff in the application of the policy and procedure in relation to grievance and appeal for non-academic matters.

2.4 The CEO or College Director 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.

**Grievance** refers to a student's expression of dissatisfaction that their rights, existing interests and/or reasonable expectations have been adversely and unjustifiably impacted because of an action, decision or omission within the control or responsibility of the College and may include any circumstance related to College operations, services, and decisions, or the conduct of its staff, its students, or people associated with the College.

**Natural justice**, also known as procedural fairness, is concerned with the procedures used by a decision-maker, rather than the decision reached. It requires a fair and transparent procedure to be used when making a decision and involves parties to a complaint having a reasonable opportunity to prepare and present a case and to have their cases considered justly. This includes the respondent being informed of the complaint. All parties to a complaint (complainant and respondent) must be afforded natural justice. Natural justice requires:

- The right to be heard;
- The right to be treated without bias;
- A decision based on evidence.

**Respondent** refers to a person or entity against whom a complaint or appeal is made, which may include another student, a staff member or a department representing RCDC.

**Responsible Officer** refers to the staff member who is responsible for the determination of a formal complaint.
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.

Student appeal refers to a statement by a student that is submitted to RCDC in accordance with the Section 6 of the Procedures.

Student Appeal Panel refers to a panel formed to consider a student appeal.

Working day refers to a day other than Saturday or Sunday, or a public holiday.

4. Policy Principles

These principles, which will be adhered to by RDCC, apply to all stages of this grievance and appeal procedure, and are set out in accordance to each party's rights and obligations as follows:

4.1 Student's Rights and Obligations

a) Student's complaints and grievances will be treated in a serious, sensitive, confidential and timely manner.

b) A complainant will not be treated less favourably, victimised, or otherwise discriminated against as a result of making or withdrawing a complaint.

c) Parties to a complaint will conduct themselves honestly and courteously and seek to achieve an amicable resolution of the complaint where possible.

d) A student has the right to make a complaint, and to submit an appeal on reasonable grounds about the determination of their complaint to the College. Complainants will have an opportunity to formally present their case at minimal cost to themselves.

e) Students are encouraged to resolve their complaint informally in the first instance. Should a student deem that informal resolution is not possible, appropriate or satisfactory; the student may submit a formal complaint.

f) A complainant can appeal the outcome of a formal complaint, or of a determination under another Policy that does not have an appeal process, with regard to the procedural fairness of the complaint resolution process.

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

h) A complainant may at any time withdraw their complaint, by notice in writing to the Student Services Director. If a complaint is withdrawn, any processes arising out of the complaint may, at the discretion of the Student Services Director, be either continued or discontinued.

i) The availability of the College's grievance and appeal processes does not remove a person's right to contact, lodge a complaint with, or seek a review by an appropriate external organisation or to take action under relevant laws.

4.2 RCDC's Rights and Obligations

a) 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.

b) Staff must take or recommend appropriate action to discharge any of the College's duty of care and obligations which arise during the complaint resolution process.
c) The complaint resolution process will be conducted in accordance with the principles of natural justice.

d) The College will maintain confidentiality to the greatest possible extent at all stages of these procedures, to the best interests of the parties to a complaint. Communication about the complaint must be limited to persons to whom disclosure is consistent with official position and responsibilities.

e) Parties to a formal complaint or student appeal will be kept informed of the progress of the complaint or appeal, and, within a reasonable timeframe, will be provided with written advice of the College's determination(s) in relation to the complaint or appeal and the reason for the determination(s).

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

g) Records of all formal grievances and appeal will be kept by Student Services Department in accordance to RCDC's Document and Records Management Policy. These records will be kept strictly confidential and stored securely.

h) The Student Services Director will provide a quarterly written report at the end of every term to the Senior Management Committee and the Academic Board which will include:

- Quantitative and qualitative analysis of the formal complaints and Student Appeals received, referred, resolved and withdrawn;
- Recommendations for changes to policy and practice, including with regard to the management of complaints.

5 Grievance Resolution Procedure

5.1 Informal Grievance Resolution

5.1.1 Students are encouraged to resolve their grievance or complaint informally in the first instance by making an initial approach to the relevant staff member or student to discuss the matter. This informal method of resolution allows the parties to explore options and make their own decisions about how to resolve a complaint rather than having a third party make and enforce a decision.

5.1.2 A student wishing to make a complaint is encouraged to seek advice from a person independent of the complaint and knowledgeable about this complaint resolution process, such as a Student Services Officer or an appropriate staff member. Together with the independent person, the student should:

- consider whether the complaint is reasonable;
- clarify the details of the matter, including the events that occurred, the basis for the complaint and the remedy sought;
- consider and confirm whether the complaint is best resolved informally or whether it requires the student to submit a formal complaint.

5.2 Formal Grievance Resolution

5.2.1 If a student’s grievance cannot be resolved as outlined in section 5.1, the student may make a formal complaint.

5.2.2 A formal complaint must be submitted in writing to the Student Services Director.

5.2.3 The College will not accept a formal complaint submitted more than 6 months after the latest relevant action, notification of a decision, or omission with regard to the matter that is the subject of the complaint, other than in exceptional circumstances as determined by the Student Services Director.
Formal Compliant Statement

5.2.4. The formal complaint statement must include relevant documentary evidence and the following details:

- The name of the person (or College Unit) about whom the complaint is made;
- A description of the events that have occurred, including efforts made to informally resolve the complaint;
- The basis for the complaint;
- The name and contact details of any witness or supporting party;
- The outcome the complainant seeks;
- The name of a support person who will accompany the student to meetings or hearings.

5.2.5. The Student Services Director will promptly acknowledge receipt of a formal complaint, and will refer a Formal Complaint within ten (10) working days of its receipt.

5.2.6. If the Student Services Director determines that a submission is not made in accordance with the requirements stated in clauses 5.2.1 to 5.2.4, it will be referred back to the complainant.

5.2.7. The Student Services Director may make an assessment that a complaint is frivolous, trivial or vexatious, dismiss the complaint and notify the complainant of this decision. The complainant may then decide whether they deem it appropriate to pursue further action.

5.2.8. An anonymous complaint will be recorded and any further action with regard to that complaint will depend on the ability to consider the complaint without being able to seek to verify claims made in it through further contact with the complainant.

Responsible Officer

5.2.9. Where the complaint is to be managed under this policy, the complaint will be referred to the Responsible Officer, usually the relevant Program Director (for academic matters) or Department Head (for non-academic matters). Where the Student Services Director determines that a conflict of interest or apprehension of bias exists, the next most senior officer will be appointed as the Responsible Officer.

5.2.10. Where the complaint falls within the provisions of another College policy, the complaint will be referred to be dealt with under that policy.

5.2.11. The Student Services Director will advise the complainant of the Responsible Officer, the date of referral of the complaint and anticipated timeframe for response.

5.2.12. The Responsible Officer will determine a process for resolving the complaint. This may include:

- nominating an appropriate staff member to assist;
- meeting with the parties (with their respective support person), together or separately, and/or;
- providing for mediation, conciliation or investigation of the complaint by an independent third person.

5.2.13. The Responsible Officer shall ensure all parties are afforded natural justice, which includes providing the respondent with the opportunity to respond in writing to the complaint.

5.2.14. Where the complaint relates to an allegation of discrimination or harassment, the Responsible Officer shall seek advice from the Director, Quality and Compliance.

5.2.15. The Responsible Officer will consider whether or not the complaint is substantiated and the appropriate response.
5.2.16. The Responsible Officer will report in writing on the complaint resolution process and the
determination concerning the complaint ("the Responsible Officer’s Report") to the complainant, any
respondent and the Student Services Director within not more than **fifteen (15) working days** of
receipt of the complaint, other than where the Student Services Director has approved an extension.

5.2.17. Where the Student Services Director makes the assessment that, due to the nature of the
complaint, the Responsible Officer will require more than fifteen (15) days to reach a determination,
the Student Services Director when referring the allegation to the Responsible Officer may nominate a
longer timeframe for the Responsible Officer to provide a report.

**Responsible Officer’s Report**

5.2.18. The Responsible Officer’s Report will:

- Document the process used for resolving the complaint and findings relevant to the complaint.
- Note if an agreement has been reached by the parties and, if so, the terms of that agreement.
- If no agreement is reached by the parties, state the determination and provide reasons in
  support of it.
- Where the Responsible Officer has authority to do so, state any actions (including remedies if
  appropriate) which, as a result of the determination, have been undertaken or are to be
  undertaken under the Responsible Officer’s direction.
- Recommend actions (including remedies if appropriate) which are not within the Responsible
  Officer’s authority but which the Responsible Officer considers are required as a result of the
determination.
- Refer to the student’s right to appeal—see section 6 below.

5.2.19. For record-keeping purposes, the Responsible Officer will also provide the Student Services
Director with a copy of all documentation relevant to the complaint, which will be kept in accordance
to Section 4 above.

5.2.20. If the Responsible Officer has made any recommendations for actions required as a result of
the determination, including the review of policies or procedures, the Student Services Director will
consider the recommendations and take action as appropriate.

**Extension of time**

5.2.21. Where a determination has not been able to be reached by the due date, the Responsible
Officer may seek an extension from the Student Services Director of the time required to provide a
report. The request for an extension will outline the steps already taken and those steps still to be
taken to finalise the complaint resolution process. If an extension is granted, the Student Services
Director will advise the complainant of the new timeframe anticipated for response.

**New Responsible Officer**

5.2.22. Where a Responsible Officer fails to act with regard to clauses 5.2.12 to 5.2.18, the Student
Services Director will refer the complaint to the next most senior officer, who then becomes the
Responsible Officer. The Student Services Director will advise the complainant of the new
Responsible Officer and date of referral of the complaint.

6 **Student Appeal Process**

6.1. If a complainant, after receiving a determination of their formal complaint, believes they have
grounds for a student appeal, they may initiate that appeal. The grounds for a student appeal are
limited to a breach of natural justice having occurred in the resolution of a formal complaint.
Student Appeal Statement

6.2. Student appeals under this policy must be submitted in writing ("Student Appeal Statement") to the Student Services Director within twenty (20) working days of the date of the notice to the complainant of the determination of the formal complaint.

6.3. The Student Appeal Statement should:
   - Identify the determinations which are being appealed;
   - Explain, with relevant evidence, why the process used by the decision-maker, and/or the determination itself, was procedurally unfair, and why a fair procedure might have led to a different determination; and
   - Attach relevant documentation that supports this explanation.

6.4. A Student Appeal Statement must not exceed ten (10) pages in length.

6.5. The Student Services Director will promptly acknowledge receipt of a student appeal. A submission not made in accordance with clauses 6.1 to 6.3 will be referred back to the complainant.

Student Appeal Panel

6.6. The Student Services Director will convene a Student Appeal Panel within five (5) working days from the date when the Student Appeal Statement was received.

6.7. The Student Services Director will prepare a set of the existing documents related to a determination that is subject to an appeal and provide those documents to the Student Appeal Panel as appropriate.

6.8. Where a student appeal is made against a determination under another policy, those who were responsible for the determination will provide all relevant documents to the Student Services Director upon the latter's request.

Composition of Student Appeal Panel

6.9. A Student Appeal Panel will comprise of:
   - the Chair of Academic Board or nominee, who will act as Chair; and
   - two staff members as nominated by the Student Services Director. These staff members will be from a different college/department to the staff/student's college/department against whom the complaint was made. Where possible, staff members will be selected from the independent members of the Council, Academic Board or its sub-committees.

Student Appeal Panel Report

6.10. The Chair of Student Appeal Panel will provide a written response ("Student Appeal Panel Report") to the parties to the appeal and to the Student Services Director within five (5) working days of the referral, advising:
   - Whether or not procedural fairness was afforded to the complainant when considering the formal complaint and/or making the determination, providing the reasons for this conclusion;
   - Whether or not the determination of the formal complaint is confirmed.

6.11. The Student Services Director will provide the parties to the appeal with a copy of the Student Appeal Panel Report within five (5) working days of the receipt of that report and:
   - If the determination of the formal complaint is not confirmed, refer the formal complaint, including the Student Appeal Panel Report, back to the Responsible Officer for the complaint
to be re-heard in accordance with the procedures outlined in Section 5. The Student Services Director will also invite the complainant to provide, within ten (10) working days of that invitation, an additional written statement, for consideration by the Responsible Officer.

- If the determination is confirmed, ask the complainant to advise in writing, within ten (10) working days, if they accept the determination, or if they wish to continue with their appeal with an external body (refer to Section 8 - Avenues for External Appeal).

7 Remedies

7.1. If a complaint is upheld, the Responsible Officer must give consideration to an appropriate remedy and should take into consideration any remedial action the complainant has sought.

7.2. A remedy must be within the authority of the staff member who has determined the complaint or considered the appeal, or, if not, recommended by that staff member to another staff member who has the authority to grant such a remedy and approved by that authorised staff member.

7.3. If a remedy is approved, then the College will action its corrective and preventative actions as soon as possible. The staff member who authorised the remedy will keep the complainant informed of progress in implementing the remedy.

8 Avenues for External Appeal

8.1. A student has the right to contact or lodge a complaint with external organisations at any time. The College notes that many external bodies advise that, ordinarily, students should first attempt to resolve their grievances internally using the procedures of the College and exhausted all internal avenues to solve the grievance, before seeking external assistance.

8.2. The following complaints handling services provide free and impartial external appeals processes that complainants may choose to access:

   a) **The NSW Ombudsman**: Students may contact the office of the NSW Ombudsman at any time throughout or after the complaint process. Generally the Ombudsman only investigates claims once all internal appeals processes with the College are determined and internal appeal avenues are exhausted.

   b) **The Anti-Discrimination Board NSW**: Students may contact the Board at any time throughout or after the complaint process.

   c) **The Australian Human Rights Commission**: Students may contact the Commission with regards to complaints of discrimination and human rights breaches, at any time throughout or after the complaint process.

8.3. The College will deal promptly with all requests from the external organisations related to complaints and appeals made to them.