STUDENT GRIEVANCE
– ACADEMIC MATTERS VET FEE-HELP

No: P208

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<tr>
<th>Responsible Officer:</th>
<th>General Manager Client Services and Communication</th>
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<tr>
<td>Subject matter expert:</td>
<td>Manager, Admissions and Customer Services</td>
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<td>Next review date:</td>
<td>2 November 2017</td>
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PLEASE NOTE THAT THIS VERSION OF THE POLICY HAS SUBSTANTIALLY CHANGED FROM THE PREVIOUS VERSION

1. Purpose

The Student Grievance Policy – Academic Matters VET FEE-HELP Policy (this Policy) establishes guidelines for dealing with grievances regarding academic matters only including academic misconduct, enrolments, student progress, course content, assessments, awards and academic records.

1.1 Exclusions

This policy does not cover grievances that allege criminal actions by staff or students of the Institute. Such cases must be referred directly to a Challenger Institute Directorate Head and, in the case of staff, be dealt with in accordance with the Institute’s Staff Discipline policy (P037).

This policy does not cover non-academic matters, in those cases, be dealt with in accordance with the Institute’s Student Grievance Policy – Non-Academic Matters (P207).

This policy does not cover assessment appeals which are to be dealt with in accordance with the Institute’s Assessment Policy (P103) and Assessment Appeals Procedure (Pr10303).

This policy does not cover grievances between staff, or between staff and management. Such grievances should be dealt with in accordance with Staff Grievances policy (P019) and procedures (Pr01901).

The grievance process should be followed in conjunction with the Institute’s Customer Comments procedure (P805), which is used to record receipt of the grievance at beginning of process and closing out the grievance upon resolution.

2. Scope

This policy applies to Challenger, its Governing Council, employees and students who are eligible for VET FEE-HELP.
3. Approval and version control

The following table provides version control related information with respect to this Policy. Despite the inclusion of version control, policy users must ensure they are using the most current version of this Policy available from the Document Management System.

<table>
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<tr>
<th>Version</th>
<th>Date</th>
<th>Description of version</th>
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<td>1.0</td>
<td>13 December 2013</td>
<td>The Responsible Officer has approved this policy.</td>
</tr>
<tr>
<td>1.1</td>
<td>25 November 2014</td>
<td>Review by Subject Matter Expert</td>
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<tr>
<td>2.0</td>
<td>27 November 2014</td>
<td>Approval by Responsible Officer</td>
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<td>2 November 2015</td>
<td>Review by Subject Matter Expert</td>
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<td>3.0</td>
<td>2 November 2015</td>
<td>Approved by Responsible Officer</td>
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4. Key definitions

**Challenger Executive** refers to the CEO and their direct management reports

**Document Management System** refers to the online repository of policies, procedures and forms maintained by the Planning and Evaluation unit available through the Intranet.

**Responsible Officer** refers to the General Manager responsible for reviewing this Policy as required.

**Academic misconduct** includes but is not limited to cheating, supporting others in cheating, plagiarism (electronic or otherwise), and falsifying information.

**Academic grievances** includes but is not limited to enrolment outcomes, administrative errors, poor teaching, course delivery, assessment materials, issuing of awards, teaching facilities, learning resources.

**Equal Opportunity Commission** is formed under the Equal Opportunity Act, individual employees can independently lodge a complaint alleging unlawful discrimination with the Commissioner for Equal Opportunity, provided it is on a ground covered by the Act. Individuals can also lodge complaints alleging, sexual or racial harassment or victimisation. (Information about lodging a complaint can be obtained from the Equal Opportunity Commission website: www.equalopportunity.wa.gov.au)

A **Grievance** is a concern in respect of any matter affecting the relationship(s) between students, or between student(s) and Challenger Institute staff and/or management. A conflict may become a grievance if it impacts on the teaching environment or is based on real or perceived inequities in behaviour or treatment.

**Informal** or **Formal Resolutions** are the processes followed to resolve an issue.

**Indirect discrimination** is an apparently neutral rule, policy or practice that can, in effect, have an adverse impact on a particular group, and is not reasonable in the circumstances.

5. Policy governance

This Policy has been developed with consideration to the following, regulatory requirements, standards or Challenger policy:
6. Principles

Challenger Institute of Technology supports and promotes the rights of all its students to carry out their studies in an environment that advances satisfaction, maximises achievement and provides safety and security. Harassment, discrimination, bullying or victimisation will not be tolerated or condoned because such conduct is illegal and contrary to the values of the Institute.

7. Policy statement

7.1 Natural Justice

The principles of natural justice must be applied to the resolution of a grievance and require that:

- All academic grievances must be submitted using the Customer Comment form.
- All parties to a grievance should have the opportunity to put their cases and have them considered, at no cost.
- Students should feel confident that they will not suffer any discrimination as a result of using the process to resolve a grievance.
- The complainant can decide to withdraw a grievance at any time during the process.
- Students should not instigate grievances that are frivolous or malicious.
- Staff and students are expected to participate in the grievance handling process in good faith.
- 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 the respondent if requested.
- Records of all grievances will be kept for a period of seven years. These records will be kept strictly confidential and stored at Iron Mountain, Welshpool, WA.
• The complainant may provide feedback to Challenger via the Customer Comment procedure.

The right to confidentiality of both the complainant, and the persons subject to the complaint, must be observed during all stages of the Student Grievance Resolution process.

Grievances are to be dealt with promptly and as a matter of priority. Staff attempting to resolve the issue should ensure the aggrieved student is fully consulted at all stages and informed of any proposed course of action. Action to resolve a grievance should be commenced within five working days of the matter being raised.

Staff should inform their supervising manager as soon as practicable after receiving a complaint which constitutes a grievance, maintaining confidentiality where possible.

At any stage either party is entitled to have a support person present during meetings or mediation sessions and to seek advice from an appropriate external party. Examples of external parties may include a Student Support Officer or a Union representative. In the case of a minor, the parent/guardian or for VET for Schools, the schools VET Coordinator must be informed.

It is important that all grievances, their resolution process and the process outcomes are monitored and recorded using the Record of Conversation form (Chal101/F01). More serious issues (usually those requiring one or both of the parties and/or the Institute to undertake some action or significantly change some behaviour) should be recorded as follows:

• If the grievance has been successfully resolved record the outcome on the original Customer Comment form and return to the Planning and Evaluation unit for record keeping.

• If a Customer Comment form has not been raised, start a form and record the outcome and send it to the Planning and Evaluation unit, attaching any additional Record of Conversation form (Chal101/F01).

Documentation and record keeping are an essential part of the grievance resolution process. Contact records and other documentation recording grievance outcomes should be kept in a confidential Grievance File. Records involving staff will be retained by the HR section, those only involving students will be retained by the Planning and Evaluation unit.

If the complainant appears afraid or reluctant to instigate a grievance process in their own right staff should still try to follow up on complaint to ensure any possible inappropriate behaviour is identified. Confidentiality of the student is to be maintained if further investigation takes place.

7.2 Appeals

The complainant should be informed that in certain circumstances the Institute may seek to proceed with its own investigation, and that ending the process without clear resolution may cause the person accused to feel they have been denied natural justice so that they in turn may elect to raise their own grievance.

The complainant has the right to appeal a decision or outcome and will be informed that they may pursue the grievance through an external authority.

7.3 Informal Resolution

In the first instance, a complainant should be encouraged to resolve their academic grievance informally and discuss the grievance with the person concerned (respondent).

Students can self-manage the grievance by:
• discussing the grievance directly with the respondent;
• writing to the respondent to inform them of the grievance and desired resolution; or seeking advice from Challenger Institute of Technology’s student support staff.

In the case of a student with a complaint about an assessment, he/she must raise the matter with the respondent within seven days of the student sighting the written assessment during the year. In the case of a student wishing to lodge an appeal against the assessment result they should be referred to the Assessment Appeals Procedure (Pr10303).

A grievance raised through this informal process should be addressed by the respondent within seven days of receiving the grievance.

In most cases Challenger expects that an informal discussion between the affected parties should result in a mutually acceptable resolution within a reasonable timeframe. A written record of the outcome may be requested by the student in writing.

A student is under no obligation to enter into an informal resolution process before a formal grievance. If the student is unwilling to do so or staff feels the matter is of a serious nature a formal grievance process may be instigated at the outset.

Where it is evident that the grievance cannot be resolved by an informal process, the student should be made aware of their right to raise the matter as a formal grievance. The formal grievance process should be explained to them and if the student is a minor, the student’s parent/guardian informed.

In the informal process it is the complainant and/or facilitator who decide whether the grievance has been resolved satisfactorily.

7.4 Formal Resolution – Stage 1

When an informal resolution cannot be achieved or when an informal response is not considered appropriate, either by the complainant or by staff who receive the complaint, the complainant should be invited to discuss the matter with a suitable Challenger Institute officer, usually a Program Manager to commence the formal process.

Parties to this grievance should note that:

• The complainant and 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.
• The complainant and the respondent will not be discriminated against or victimised.
• Records of all grievances will be kept for a period of seven years. These records will be kept strictly confidential and stored at Iron Mountain, Welshpool WA.
• All parties have the right to apply for access to these records.

When the formal process is commenced, the information gathered should be recorded using either a Customer Comment form (see Customer Comments Procedure (Pr80501) or by attaching the Record of Conversation form (Chal101/F01) to a Customer Comment form (F8050101) for processing. Students will need to provide a signed written statement of the grievance. If students have difficulty writing a clear account of the grievance they should be assisted to document their concerns. In these cases the final account should be read to them and if they are satisfied that it represents a clear outline of their grievance they should be asked to sign the document.
The Customer Comment form can be submitted online, mailed to Challenger Institute of Technology, 1 Fleet Street, Fremantle WA 6160 or at any of Challenger’s Customer Service Centres.

Staff will assist the student with documenting their complaint by developing clarity, but be mindful of introducing new information or increasing the level of concern or anxiety within the student.

The Program Manager or other appropriate Manager/Director should assess the academic grievance, determine the outcome and advise the Complainant of his/her decision within seven working days.

If the grievance is a result of a “Hold” on a Unit of Competency, please use this Policy in conjunction with Challenger Institute Policy and Procedure P103 Assessments.

Once the formal grievance process is initiated the substance of the grievance should be placed before the respondent and they should be given a reasonable time to provide a written response. If the accused has difficulty writing a clear account of their response they can be assisted in writing their account. In these cases the final document should be read to them and if they are satisfied that it represents a clear outline of their response they should be asked to sign the document.

Staff assisting in this process should only record the accused person’s words, not help them develop the substance or content of the response.

7.5 Formal Resolution – Stage 2

If the Complainant is not satisfied with the outcome of this, he/she may lodge an appeal in writing to the:

Chief Executive Officer
Challenger Institute of Technology
1 Fleet Street, Fremantle WA 6160

The CEO will conduct all necessary consultations raised by the Complainant and other relevant persons before making a determination of the appeal. The Complainant will be advised in writing of the outcome of their appeal, including the reasons for the decision within 10 working days of the submission of appeal to the CEO. The Complainant will be advised of their right to progress this to an external body if he/she is still dissatisfied with the outcome.

7.6 Formal Resolution – Stage 3

The Complainant may further appeal this decision by lodging an appeal with the WA Ombudsman (WAO) within 28 working days from the CEO’s written notice. The current fee to lodge an application with the WAO for the review of a decision can be found on the WAO website: http://www.ombudsman.wa.gov.au/

Challenger Institute will give due consideration to the recommendations made by the external review.

The contact for the WAO is:

WA Ombudsman
Level 2, Albert Facey House
469 Wellington Street, WA 6000
Telephone (08) 9220 7555 or 1800 117 000

8. Documents supporting this Policy

Forms support this Policy and are available through the Document Management System.

- Record of Conversation form (Chal101/F01)

- F8050101 Customer Comment form

9. Review and communication of this Policy

The Responsible Officer for this Policy will ensure it is reviewed at least every two years. The Challenger Executive will approve any material amendments to this Policy, whilst the Responsible Officer for this Policy will approve immaterial amendments.

This Policy will be made available to the Governing Council and Challenger employees through the Document Management System.