1. Purpose

The Student Grievance Policy – Non-Academic Matters (this Policy) establishes the process for dealing with grievances raised by a student against a staff member or student. Grievances can include complaints about:

- lecturer performance or effectiveness;
- the treatment of students by staff or other students; or
- claims of discrimination or harassment.

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 (Q10.010/01).

This policy does not cover grievances between staff, or between staff and management. Such grievances should be dealt with in accordance with Staff Grievance Resolution policy and procedures (Q10.009/02).

This policy only covers non-academic matters. Grievances related to academic matters should be dealt with in accordance with the Institute’s Student Grievance Policy – Academic Matters (P208).

2. Scope

This policy applies to Challenger, its Governing Council, employees and students.

3. Approval and version control

The Challenger Executive must approve any material amendments to a policy and each new policy. A Responsible Officer (RO) will approve immaterial amendments to a policy. An RO shall consult the Planning and Evaluation unit in determining whether amendments to a policy are material.

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.

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<th>Version</th>
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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.

**Complaint** refers to an expression of a grievance, resentment or displeasure about a service or product.

**Direct discrimination** means that a person receives less favourable treatment than another person in the same or similar circumstances on any of the grounds of unlawful discrimination covered in the Equal Opportunity Act. These include sex, race, impairment, age, family responsibility, family status, pregnancy, marital status, religious conviction and political conviction.

**Equal Opportunity Commission** 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 )

**Grievance** refers to 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/Formal Resolution Processes** are 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.

**Harassment** refers to verbal or physical behaviour or writing or visual display which causes offence or distress to the recipient. It is unwelcome, unsolicited, non-reciprocated and usually (but not always) repeated. Harassment creates an uneasy, intimidating, hostile or offensive environment, which interferes with an individual’s performance.

**Non-academic matters** include matters that do not relate to a student’s academic progress for example issues relating to enrolments, course delivery, assessments or awards.

**Racial Harassment** includes threats, abuse, insults or taunts directed at a person’s race or a characteristic that pertains generally to their race.

**Sexual Harassment** includes unwelcome sexual advances, unwelcome requests for sexual favours and other unwelcome and sexually related behaviour.
5. Policy governance

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

- Equal Opportunity Act of 1984: Section 9 and subsequent amendments/Objects of the Act (Section3);
- Student Code of Conduct www.challenger.wa.edu.au
- Challenger Policy Q10.000/01: Staff Code of Conduct
- Challenger Policy P805: Customer Comments
- Challenger Policy Q10.010/01: Staff Discipline
- Challenger Policy Q10.010/02: Managing Unsatisfactory and Substandard Performance
- Challenger Policy Q10.009/02: Staff Grievance Resolution
- Challenger Policy Q10.101/02: Student Behaviour Management
- Challenger Policy Q10.201/13: Duty of Care for Minors
- Challenger Policy P103: Assessments
- Challenger Policy P208: Student Grievance Policy – Academic Matters

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 Student and Staff Codes of Conduct

The Institute has provided a Student Code of Conduct and a Staff Code of Conduct to outline appropriate behaviour for both students and staff. The student code is available on the Student Portal, Student Services and at the Client Services site on the Challenger Intranet and the Staff Code is available at Policies and Procedures site on the Challenger Intranet.

The grievance process should be followed in conjunction with the Institute’s Customer Comments procedure (Pr80501).

7.2 Natural Justice

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

- All parties to a grievance should have the opportunity to put their cases and have them considered, at no cost;
- An allegation against an employee or student will be made known to that employee or student only after ensuring that the safety of the complainant will not be compromised;
- All investigations and decisions must be made by persons who are impartial;
- 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.

Note: In such cases 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.

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 Student Grievance Record Form (F2070101). 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 records Student Grievance Record Form (F2070101).

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.

7.1 Informal Resolution

In the first instance, a complainant should be encouraged to resolve their grievance informally and discuss the grievance with the person concerned (respondent) unless the complaint involves harassment and/or bullying. In these cases a formal resolution process must be followed (refer to Section 7.2). Student Grievance Procedure - Non-Academic Matters (Pr20701) provides guidelines on this process.

Where the complainant is uncertain about entering into discussion with the other party, staff should try to assist the informal discussion process by offering to act as a facilitator or arranging for another staff member to do so. The facts should be recorded on the Student Grievance Record Form (F2070101). The respondent should aim to address the grievance within 7 working days from the time that the grievance was raised.

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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 a staff member 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.

7.2 Formal Resolution

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 Policy P805) or by attaching the Student Grievance Record Form (F2070101) to a Customer Comment form 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.

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.

7.3 Formal Grievance Guidelines

The following guidelines provide information on how the Program Manager or other appropriate Manager/Director or Student Grievance Mediator should manage the grievance process:

- If the grievance contains allegations of misconduct by an employee refer the grievance to the Director HR. This may result in the matter being progressed via the Staff Discipline Policy, in which case progression of the grievance may be delayed as this is usually a longer process. This outcome should be explained to the aggrieved student within 7 working days of receiving notice of the grievance.
- If the grievance contains allegations of harassment or discrimination, the aggrieved student should be advised of their right to refer the matter to the Equal Opportunities Commission.
- 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 Assessments (P103) and/or the Student Grievance Policy – Academic Matters (P208). If the grievance is of an illegal
or criminal nature the student should be advised of their right to refer the matter to the Police.

- Once the formal grievance process is initiated the substance of the grievance should be placed before the respondent and they should endeavour to provide a written response by 7 working days. 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.

- The process for resolving the grievance should be conducted by the Manager/Director who receives the grievance, or their nominee. The process to be followed is outlined in section 6.0 of this report.

- If the matter is referred to mediation, such mediation should be conducted by an officer suitably experienced to carry out such a task and able to ensure a fair and balanced environment to allow each party to put their case.

- If the matter is referred to investigation, the investigator will, on completion of the investigation, compile a report that includes findings and a proposed course of action for resolution of the grievance. The report will be provided for the Manager/Director, or nominee, conducting the grievance resolution process.

- If a grievance relates to the performance of a lecturer the course of action may be the progression of the matter in accordance with the Managing Unsatisfactory & Substandard Performance policy (Q10.010/02). The proposed course of action should be referred to the relevant Directorate Head and if regarded as of a very serious nature to the Managing Director for consideration.

- Grievances involving minors (students under 18 years of age);
  - If the student is a VET in schools student the School’s VET Coordinator must be informed by the Student Grievance Mediator.
  - If the student is a minor and not VET for Schools the parent or guardian must be informed by the Student Grievance Mediator.
  - If the student is a minor and an apprentice or trainee the student’s employer must be informed by the Student Grievance Mediator.

7.4 Escalation of the Formal Grievance

If the Complainant is not satisfied with the outcome of the first formal resolution, 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.

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
Challenge 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.

- F2070101 Student Grievance Record Form
- Chal 582/F01 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.