Oases Graduate School

Academic and non academic Grievance Policy and procedures

Preamble

Oases is committed to providing an environment that supports all participants and potential participants having a positive, mutually beneficial relationship with all members of the Academic Collegium, so we attempt to create a culture that prevents grievances arising

Oases aims to provide a fair and just working and learning environment by ensuring that participants have access to processes that allow for complaints and grievances to be resolved.

Oases shall ensure that its grievance processes are conducted in accordance with the principles of natural justice.

Oases shall provide an environment that encourages participant grievances to be resolved within Oases and to see grievances as ways of enhancing the organisation and culture of oases.

Oases recognises a participant’s right to apply to the Victorian Ombudsman or other external bodies for resolution of a grievance regarding administrative actions and decisions of Oases.

Oases is committed to providing participants with a post-graduate education of the highest possible quality. From time to time, participants may, however, raise concerns, complaints or grievances about matters or issues relating to their experiences at Oases.

This document sets out the internal procedures that apply within Oases for addressing participant and potential participants’ complaints and grievances. These procedures are designed to ensure that within Oases there is a transparent process for ensuring participant complaints and grievances are dealt with fairly, consistently and promptly.

Principles

The participant grievance resolution procedures of Oases are based on the following principles:

- That the procedures used to review and resolve complaints or grievances are fair and must be seen to be fair;
- Confidentiality will be respected for all parties, unless the use of the information is authorised by law;
• That staff involved in resolving complaints or grievances will act fairly at all times and ensure that conclusions will be based on a fair hearing of each point of view;
• There will be no reprimands or any disadvantage arising as a result of a participant making a complaint or grievance in good faith;
• That complaints or grievances are handled in a timely manner with achievable deadlines specified for each stage in the resolution process;
• Any participant who makes a complaint or grievance and any staff member or participant on whom the complaint or grievance has a direct impact, is regularly informed of the progress of the matter;
• Where the complainant is not satisfied with the outcome proposed by the decision-maker, the participant is entitled to seek a review, either on procedural or substantive grounds, from a higher internal body or an appropriate external agency.

Types of participant grievances

Academic grievances

These are usually complaints or appeals against academic decisions. They include but are not limited to:

• Academic progress decisions
• Assessment matters
• A decision of a member of academic staff that affects an individual or groups of participants
• Selection or admission decisions
• Content or structure of academic programs, nature of teaching, or assessment
• Supervision issues for research degree participants
• Issues relating to authorship and intellectual property.

Administrative grievances

These relate to decisions and actions associated with administrative or academic services.

They include but are not limited to:

• Administration of policies, procedures and rules by central administrative and participant support groups, faculties and departments
• A decision by an administrative staff member that affects an individual or groups of participants
• Access to oases resources and facilities
Discrimination, sexual harassment and bullying

Because other procedures apply, these procedures do not apply to complaints or grievances relating to:

- Discrimination on the grounds of gender, race or disability
- Sexual harassment
- Bullying.

Details of the policies and procedures for dealing with participant and staff discrimination and sexual harassment concerns are set out in the oases Harassment and Discrimination and Equal Opportunity Policies and Procedures. The procedures set out in these policies should be followed for grievances of these types.

Grounds for complaint or grievance

Without limiting the circumstances which may give rise to a complaint or grievance, a participant has valid grounds for making a complaint or grievance or lodging an appeal against a decision made in relation to a complaint or grievance, where the participant considers he or she has been adversely affected by one or more of the following:

- Improper, irregular or negligent conduct by an oases staff member.
- Failure by an oases staff member to act fairly.
- A decision that has been made without sufficient consideration to facts, evidence or circumstances of specific relevance to the participant.
- Failure by oases to make a decision within a timely manner.
- A penalty that, where applied, is or would be too harsh.

Procedures for the handling and resolution of complaints and grievances

This section outlines internal procedures that apply to the handling of academic and administrative complaints and grievances described in sections 3.1 and 3.2.

Informal approach

When a participant has a complaint about any of academic or non academic matters listed above, he or she should first discuss the matter with the person concerned. If the participant has concerns about raising the matter with this person, then he or she should discuss it with the Administrative Coordinator or with the Head of School. Concerns about a
decision of a committee should ordinarily be raised with the chair of the committee.

*oases* expects that in most cases the discussion of the concern or complaint with the relevant staff member will result in a prompt resolution of the matter which both parties will find acceptable.

If this informal approach to dealing with the participant's concerns does not lead to an acceptable resolution then the participant should pursue the more formal process for resolution of the matter as set out below.

**Stage 1**

Having first attempted resolution of the complaint though the informal processes, a participant who believes that his or her complaint has not been adequately addressed is strongly advised to seek information and advice from the central support services of *oases* or from The Head of School.

Having taken this advice the participant may then decide to:

- Take no further action, or
- Lodge a formal grievance

**Stage 2**

If the participant decides to lodge a formal grievance, they must do so in writing to the Head of Graduate School or the Administrative Coordinator or the Chair of Academic Board as appropriate to the particular grievance. However, if that person is the subject of the grievance or is perceived to have a conflict of interest in relation to the matter, then the Head of Graduate School must be approached.

A staff member who has received a grievance will acknowledge receipt of the written grievance in writing within 5 working days from its receipt and indicate when a resolution of the matter can be expected.

The staff member will independently review the grievance and attempt to find a resolution of the problem. If the staff member has or perceives there to be a conflict of interest in their handling of the grievance the staff member will refer the matter for investigation to another staff member who is eligible and qualified to handle the matter, the participant is to be notified of the referral of the grievance to another staff member.
If the grievance is found to be frivolous or vexatious or no grounds or evidence can be found for it, the staff member investigating the matter will not offer any resolution of the grievance.

The staff member investigating the grievance must keep formal records of the actions taken and notify the participant in writing of the outcome of the grievance process and document the reasons that resolution was or was not achieved, as the case may be.

**Stage 3 - Appeals**

If, after Stage 2 of the process, the participant does not believe that the grievance has been adequately resolved, then he or she may appeal to the Academic Board for resolution of the matter.

A participant seeking to appeal to the Academic Board must submit a written case for appeal to the Secretary of the Academic Board within 20 working days of the date of notification of the outcome of Stage 2 of the grievance process, citing the grounds on which the appeal is based.

The Secretary of the Board will acknowledge receipt of the notice of appeal within 5 working days of its lodgement.

The Chairperson of the Academic Board, after considering whether there are grounds for appeal, may appoint an Academic Board Officer to convene an appeals committee to hear the case, ensuring that the persons chosen have had no prior involvement in the grievance in any of the earlier stages, or in informal discussions with the participant about the matter.

The Academic Board Officer will ensure that the appeals committee meets within 15 days of nomination, that it investigates the case fully and that it acts fairly taking account of the rules of natural justice and equity principles.

The participant lodging the grievance will be given the opportunity of appearing before the Academic Board appeals committee to present his or her case, as will the person against which the grievance is made.

The Academic Board appeals committee may endorse the Stage 2 findings in relation to the grievance or determine an alternative resolution. It may also initiate an internal review of procedures relating to the academic or administrative subject of the grievance.

The Secretary of the Academic Board will confirm the decision of the Board appeal committee in writing to the participant within 5 working days of the decision being made and will document the outcome of the considerations of the
committee and the reasons for the decision and forward that advice to the Academic Board for confirmation.

The decision of the Academic Board is final and is not subject to further review within oases. This does not preclude a participant from seeking review of the decision of the Academic Board by an appropriate external body.

**Withdrawal of complaints or grievances**

A participant may withdraw a complaint or grievance at any time during the grievance resolution process and in this case the matter will be concluded and deemed to be resolved. If the original complaint or grievance was made in writing then the withdrawal must also be in writing to the relevant staff member who is handling the matter at the time the withdrawal is being effected or, in cases before the Academic Board, the Academic Secretary.

**Indicative timelines for resolution of grievances**

<table>
<thead>
<tr>
<th>Stage/action</th>
<th>Responsible</th>
<th>Timeline</th>
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</thead>
<tbody>
<tr>
<td><strong>Stage 1</strong></td>
<td>Participant</td>
<td>Lodge complaint within 10 working days of the event which is the focus of the grievance</td>
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<tr>
<td>Making a complaint</td>
<td></td>
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<tr>
<td><strong>Stage 2</strong></td>
<td>Staff member</td>
<td>Within 5 working days of receipt</td>
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<tr>
<td>Acknowledgement of the receipt of the grievance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Notification of the resolution</td>
<td>Staff member</td>
<td>Dependent on the case but in a timely manner – no more than 10 working days after the commencement of the investigation.</td>
</tr>
<tr>
<td><strong>Stage 3</strong></td>
<td>Participant</td>
<td>Within 20 working days</td>
</tr>
<tr>
<td>Lodging an appeal with the Academic Board</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acknowledgement of appeal</td>
<td>Secretary of Academic Board</td>
<td>Within 5 working days</td>
</tr>
<tr>
<td>Hearing of the appeal</td>
<td>Academic Board appeals committee</td>
<td>Within 15 days of acknowledgement</td>
</tr>
<tr>
<td>Notification of the Appeal</td>
<td>Secretary,</td>
<td>Within 5 working days</td>
</tr>
</tbody>
</table>
Reviewed by Academic Board October 2012
### GRIEVANCE PROCEDURE REQUIREMENTS AND EXAMPLES OF FORMS OF EVIDENCE

The Higher Education Support Act 2003 (HESA) and the Higher Education Provider Guidelines (HEP Guidelines) set out the requirements for grievance procedures. Your grievance procedure must demonstrate that it meets all the requirements of HESA and the HEP Guidelines. The HESA and HEP Guidelines requirements are set out below, along with some acceptable examples of how to meet each requirement.

<table>
<thead>
<tr>
<th>HESA and HEP Guideline Requirements</th>
<th>How to demonstrate this</th>
<th>Examples of forms of evidence</th>
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<tbody>
<tr>
<td>HESA section 19-45(1): A higher education provider must have:</td>
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<tr>
<td>(a) a grievance procedure for dealing with complaints by the provider’s students, and persons seeking to enrol in courses of study with the provider, relating to non-academic matters;</td>
<td>You must have a grievance procedure specifically dealing with non-academic matters (a copy must be provided in your application for HEP status). Your non-academic grievance procedure must state that it applies to complaints by your students, and by people seeking to enrol in courses of study with you.</td>
<td>“All students of the College or those seeking to enrol in a course of study with the College are entitled to access the grievance procedures set out in this policy...”</td>
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<tr>
<td>(b) a grievance procedure for dealing with complaints by the provider’s students relating to academic matters.</td>
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<td></td>
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<tr>
<td>HESA section 19-45(2)</td>
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<tr>
<td>(2) Except where the provider is a Table A provider, the grievance procedures referred to in section 19-45(1)(a) and (b) must comply with the requirements of the Higher Education Provider Guidelines.</td>
<td>Your non-academic grievance procedure must comply with the requirements of the HEP Guidelines (as set out below). The HEP Guidelines do not currently set out specific requirements for academic grievance procedures (note that this may change in the future).</td>
<td>N/A</td>
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<tr>
<td>HESA section 19-45(5)</td>
<td>In signing Form 1 (Declaration of Adherence to HESA) in the HEP Application Pack you are indicating that you will comply with your grievance procedures.</td>
<td>Completion of Form 1 (Declaration of Adherence to HESA).</td>
</tr>
<tr>
<td>HESA section 19-45(6)</td>
<td>The provider must publish, and make publicly available, up to date information setting out the procedures.</td>
<td>“This policy is published on the College web site (<a href="http://www.---.edu.au">www.---.edu.au</a>) and/or is set out in the Student Handbook, policy manual...etc”</td>
</tr>
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<tr>
<td>HESA section 19-45(7) The provider must publish information about any other complaint mechanisms available to complain about the provider's decisions.</td>
<td>You must provide evidence in your grievance procedure of any other complaint mechanisms available to complain about decisions made by your organisation. Note that the HEP Guidelines (3.5.1c) require that you have a provision for external review of decisions by an independent person or body established or nominated by you. Information on who this person/body is and their contact details should be provided in your grievance procedure, along with advice about other complaint mechanisms available.</td>
<td>See 3.5.1(c) below.</td>
</tr>
</tbody>
</table>

| HEP Guidelines section 3.5.1: A HEP other than a Table A provider must have grievance procedures to deal with complaints relating to non-academic matters from the provider's students and from persons seeking to enrol in courses of study with the provider, which must contain the following elements: | | |
| ----------------------------------|----------------------------------| |
| (a) an arrangement for handling complaints which is easily accessible to students; is without charge, or at reasonable cost to students; and encourages timely resolution | Your non-academic grievance procedure must outline this element of the process, include information on the cost to students (if any), include timeframes for resolution, and address the requirements (as set out in 3.5.5 of the HEP Guidelines below). | “Students or people seeking to enrol in any accredited higher education course of the provider have three stages at which a complaint may be addressed. Each stage is free of charge/costs xxx. At the first stage of the process, students may take the complaint to any of the following: (a) xx name of position xx; or (b) xx name of position xx. The complaint must be dealt with in a reasonable time, within 21 days of receipt of the complaint…” “In the first instance, complaints should be discussed with the person/s involved. However, if this is impracticable, complain-ants should communicate with one of the staff listed below... This arrangement is free of charge. Every effort will be made to make a decision within 14 days…” |
(b) an arrangement for the internal investigation of complaints which remain unresolved by the process outlined at (a) by an independent and impartial senior officer of the provider nominated by the provider, or dedicated complaints committee or unit established by the provider

Your non-academic grievance procedure must outline this element of the process; including information on who the independent and impartial senior officer or dedicated complaints committee/unit is, and the actions they will undertake throughout this stage of the grievance process (also addressing the requirements set out below).

“The second stage of the process at which a complaint is addressed is as follows: If unsatisfied with the response to the complaint or the time taken to resolve the matter, the complainant may submit the complaint in writing to (xx name of position xx) and/or explicitly seek the involvement of the (xx name xx) Committee. The (xx name of position xx / xx name of committee xx) will deal with the complaint within a reasonable time, normally within 30 days of receipt of the complaint...”

(c) a provision for external review of its decisions by an independent person or body established or nominated by the higher education provider

Your non-academic grievance procedure must outline this element of the process; including information on who the independent person or body is, and the actions they will undertake throughout this stage of the grievance process (also addressing the requirements set out below).

Note – there are separate requirements outlined in HESA and the HEP Guidelines for review procedures (relating to FEE-HELP decisions) that involve the Administrative Appeals Tribunal (AAT). The AAT is not an available external body for grievance procedures.

“The third stage of the process at which a complaint is addressed is as follows: If not satisfied with a decision of the (xx name of position xx / xx name of committee xx), the complainant may request that the matter be dealt with through an external dispute resolution process by the person/body appointed by the provider for that purpose. The details of this person/body are as follows: xx Name xx; xx Title xx; xx Contact details xx... Complaints will be addressed within 30 days...”

HEP Guidelines section 3.5.5: The higher education provider must:

| (a) have a mechanism in place to implement the grievance procedure | You can demonstrate this by ensuring that your grievance procedure satisfactorily details the processes required above. | N/A |
| (b) ensure that the grievance procedure is agreed to and ratified by the provider’s governing body; | Your non-academic grievance procedure should state the details of the governing body that has ratified the procedure, and the date on which this occurred. | “This policy was approved by the College Council on 13 August 2000...” |
(c) not *victimise* or discriminate against any complainant or respondent;

Your non-academic grievance procedure should state that every attempt will be made to ensure that complainants and respondents are not victimised or discriminated against.

“The complainant and respondent will not be victimised or discriminated against in any of the three stages set out in this policy…”

(d) make details of the procedures publicly available;

You must provide evidence in your grievance procedure of where you have, or intend to, publish or make publicly available your procedure (see HESA section 19-45(6) above).

See example for HESA section 19-45(6) above.

(e) communicate the procedures in writing to its staff and train its staff in their application;

Your non-academic grievance procedure should state how the procedures will be communicated to staff, and what kind of training will be provided to them.

“This policy is communicated to academic staff through the xx Handbook and to support staff through the xx Handbook. The (xx name of position xx) is responsible for the training of academic staff in the application of the policy. The (xx name of position xx) is responsible for the training of support staff in its application…”

(f) specify reasonable timelines for responses to each stage of the process;

Your non-academic grievance procedure should state for each stage of the process in 3.5.1 (a to c) the timelines for responses at each stage.

See examples for HEP Guidelines sections 3.5.1(a)(b)(c) above.

(g) allow the complainant and/or respondent to be accompanied and assisted by a third party if desired;

Your non-academic grievance procedure should state that complainants and respondents are allowed to be accompanied and assisted by a third party if so desired.

Note – HESA and the HEP Guidelines do not anticipate that the third party be a legal representative. A decision to allow legal representation as part of your grievance procedure is a matter for your organisation.

“At all stages of the process, reasons and a full explanation in writing for decisions and actions taken as part of the procedures must be given if so requested by the complainant and/or respondent…”

(h) give reasons and full explanation in writing for decisions and actions taken as part of the procedures, if requested by the complainant and/or respondent;

Your non-academic grievance procedure should state for each stage of the process in 3.5.1 (a to c) that reasons and full explanation for decisions and actions taken as part of the procedures will be provided in writing to both the complainant and the respondent, if so requested.

“At all stages of the process, reasons and a full explanation in writing for decisions and actions taken as part of the procedures must be given if so requested by the complainant and/or respondent…”
| (i) keep appropriate records of grievances for at least five years, and allow parties to the complaint appropriate access to these records; | Your non-academic grievance procedure should state how records of grievances will be kept (i.e. the form in which they will be kept), the period of time these records will be kept, and the access to these records that parties to the complaint will be provided. | “Records of all grievances and applications for review of decisions must be kept and be accessible to all interested parties for a period of xx years. Such records will remain confidential…” “Records of grievances and their outcomes will be kept strictly confidential and filed in a separate file (not kept on the student or staff file) and stored in the office of the (xx name of position xx) for a period of xx years. Parties to the complaint will be allowed supervised access to these records…” |
| (j) ensure that such records are treated as confidential. | Your non-academic grievance procedure should state that these records will be treated as confidential. | “Students of the College or those seeking to enrol in a course of study with the College are entitled to access the grievance procedures set out in this policy, 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…” |

**HEP Guidelines section 3.5.10**

Students or persons seeking to enrol in course of study with a provider are entitled to access the grievance procedure as set out by that provider, 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.

Your non-academic grievance procedure should state that students or persons seeking to enrol in course of study with a provider are entitled to access the grievance procedure as set out by that provider, 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.

“Students of the College or those seeking to enrol in a course of study with the College are entitled to access the grievance procedures set out in this policy, 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…”

**HEP Guidelines section 3.5.15**

The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other higher education provider policies or under statute or any other law.

You are not required to refer to this requirement in your non-academic grievance procedure, although some providers have chosen to include a statement in their procedure for the benefit of their students/potential students.

“The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other higher education provider policies or under statute or any other law…”