

Student Grievance Policy and Procedure

1. Purpose

The institute's Student Grievance Policy and Procedure provides a mechanism for lodging and resolving grievances. Students should read the policy and procedure carefully and seek advice from the Student Services Department or a member of the teaching staff if they are unsure of the process.

2. Scope

This policy and procedure applies to any enrolled student who has a grievance relating to an academic or non-academic matter, which causes a student serious concern or distress in relation to their course of study at NMIT.

The institute's Assessment Policies and Procedures (VET) and (Higher Education), and institute rules; Student Enrolment, Fees and Charges, Student Assessment and Examinations, Student Discipline and Granting of Awards apply to academic matters in the first instance.

This policy and procedure applies to any prospective student who has a grievance in relation to a non-academic matter which causes a student serious concern or distress in relation to their selection for courses at NMIT.

3. Access and Training

NMIT communicates the Student Grievance Policy and Procedures in writing to its staff and trains them in its application in the following ways:

NMIT staff members can access the Student Grievance Policy and Procedure online through the following links:

NMIT Website (www.nmit.vic.edu.au)

- About NMIT
- Rules and Policies

NMIT Staff Portal

- (1) Programs & Services
 - Student Services
 - Rules / Policies for Students
- (2) Policies QA
 - QA Documents & Updates
 - Client Services
 - Student Services → Student Grievance Policy & Procedures B/SV/D/7/007

Newly appointed NMIT staff members are advised of the Student Grievance Policy and Procedure, its location and availability during their formal induction conducted by the

Human Resources Department. The Student Services Department provides existing employees with regular training updates and offers individual staff consultancy services in relation to the policy.

The Student Grievance Policy and Procedures are accessible to current and prospective students, irrespective of location, place of residence or study, in the following ways:

Prospective students can access the Student Grievance Policy and Procedure online via the **NMIT Website** (www.nmit.vic.edu.au)

- About NMIT
- Rules and Policies

Enrolled students can access the Student Grievance Policy and Procedure online via the **NMIT Website** (www.nmit.vic.edu.au)

- About NMIT
- Rules and Policies

And on the **NMIT Student Portal** <https://student.nmit.vic.edu.au>

- Rules / Policies

Information about the policy is also available to enrolled students through the NMIT Student Diary which is provided at no cost at enrolment, and through the NMIT Student Induction DVD which is shown at course induction sessions.

4. Definitions

A **grievance** is a serious problem or concern of an academic or non-academic nature raised by an enrolled student or prospective student, which is believed by that enrolled or prospective student, to disadvantage them either in the course of their study at NMIT or in their selection for a course at NMIT.

A **complaint** is an expression of dissatisfaction regarding an established procedure, which affects the quality of services offered by the institute. Complaints are managed through the institute's Improvement Suggestions Procedure and apply to all staff, students and clients of the institute.

A **complainant** is a person making a complaint.

A **grievant** is a person who has a grievance.

A **respondent** is the person or people who the complaint or grievance is about. The respondent can be a teacher or other staff member, department, or the institute.

The **Student or Faculty Grievance Committee** is a committee established by NMIT to conduct an internal investigation of a non-academic or academic grievance and recommend a course of action to the CEO.

A **Student** means an NMIT enrolled student. It can also mean groups of students. In relation to non-academic matters the term "student" may refer to enrolled and prospective students.

A **Prospective Student** means a person seeking to enrol in a course of study at NMIT.

Conciliation is a process in which the parties to a dispute, with the assistance of a conciliator, identify the issues in dispute, develop options, consider alternatives and endeavour to reach an agreement.

Investigation is a process in which an institute senior manager or the Student or Faculty Grievance Committee, in an attempt to resolve the grievance, enquires into the grievance and provides advice on the facts of the matter.

5. Principles

- 5.1 NMIT will promote and maintain an environment where students and prospective students who experience conflict can raise their concerns and have them addressed respectfully and responsibly.
- 5.2 NMIT staff members have a responsibility to identify, prevent and redress problems within the institute, and to handle and resolve any type of grievance expeditiously, without prejudice or victimisation.
- 5.3 Enrolled students with grievances which they believe have an adverse effect on their academic performance are strongly encouraged to make them known to relevant NMIT staff if they are unable to resolve them personally.
- 5.4 The institute's Student Grievance Policy and Procedure is an arrangement for handling grievances, which is accessible to all students and prospective students, is free of costs or charges at all internal stages and encourages timely resolution based on principles of natural justice. It is not an instrument for malicious, false or frivolous complaints. Anonymous concerns cannot transpire into formal grievances. As such, the aggrieved student/s must be identified and a written expression outlining the problem must be submitted to the institute for formal proceedings to commence under the grievance policy and procedure. Malicious or false complaints may lead to action under the institute rule relating to student discipline. Frivolous grievances will be dismissed.
- 5.5 All students and respondents are entitled to fair and consistent treatment and prompt consideration and resolution of grievances. No student or respondent shall be discriminated against or victimised in the process of grievance resolution and all parties are entitled to confidentiality in the grievance process.
- 5.6 The institute must receive all grievances within 12 months of the issue(s) occurring.
- 5.7 Where possible, grievances should be resolved as close to their source as practicable. Students should first discuss any concern with the staff member involved, and if this is not satisfactory, with the relevant Head of Department or Senior Lecturer in the case of an academic matter, or the relevant Head of Department, Manager or Senior Lecturer in the case of a non-academic matter.
- 5.8 The complainant may be assisted and accompanied by a third party (non-legal) if desired, to provide support, information, and advocacy as required.

- 5.9 An individual staff member (referred to as the respondent) who has a grievance lodged against them may nominate the assistance of a third party (non-legal) in the grievance process to provide support, information, and advocacy as required.
- 5.10 Complainants and respondents have the right to seek legal advice, at any stage, however legal representatives are ineligible to act as a support or third party representative at grievance resolution meetings.
- 5.11 The Student Services Department provides training to NMIT teaching staff in relation to student grievance policies and procedures. Teaching staff will provide students with information about the Student Grievance Policy and Procedure.
- 5.12 Students may wish to discuss their grievance confidentially with a counsellor in the Student Services Department. Counsellors can provide information about the student grievance process and offer impartial advice. The counselling service can provide emotional support for both complainants and respondents if requested, but counsellors will not act as a third party for either a complainant or a respondent or attend meetings or represent complainants or respondents at meetings called during the grievance process.

6. Procedure

- 6.1 Complaints of sexual harassment or grievances arising from alleged sexual harassment will be directed to the Manager Student Services Department, in the first instance. The Manager Student Services Department will assist the student to access the institute's Prevention of Sexual Harassment Policy and Procedure for Students.
- 6.2 Grievances involving a possible breach of the institute's Equal Opportunity Policy and Procedure for Students are to be referred to the appropriate Associate Director, Academic Head Higher Education or Manager for prompt follow-up action.
- 6.3 Any student wishing to lodge a grievance against a staff member should try, in the first instance, to discuss the complaint with the staff member.
- 6.4 Where the grievance is made directly to the staff member, every reasonable effort should be made by the staff member and the aggrieved student to resolve the matter.
- 6.5 It is expected that in most circumstances resolution of the grievance should be achieved within five working days in the first instance.
- 6.6 If the matter is unresolved or if the student feels that they cannot approach the staff member directly, the student should submit written details of the grievance to the relevant Head of Department or Senior Lecturer in the case of academic matters or the relevant Head of Department, Senior Lecturer or Manager in the case of non-academic matters.
- 6.7 Upon receiving written details of a grievance, the Head of Department, Senior Lecturer or Manager must undertake the following:

- (i) Within five working days of receiving the grievance convene appropriate meetings with the staff member and the student and attempt to resolve the matter at this point.
 - (ii) Where the matter is unresolved within 10 working days of receiving the grievance, the Head of Department, Senior Lecturer or Manager must notify the relevant Associate Director, Academic Head Higher Education or Director who will request that the Manager, Student Services Department attempt to resolve the matter.
 - (iii) Where the grievance is against the Manager Student Services Department, the Director Client Services will nominate another senior manager (nominee) to attempt to resolve the matter.
- 6.8 The Manager, Student Services Department or nominee will undertake an investigation the grievance within 10 days of notification from the Associate Director, Academic Head Higher Education or Director.
- 6.9 The investigation will involve interviewing the complainant, seeking written responses from relevant staff members or others and conducting such meetings as may be required to determine the facts of the matter and, if possible, resolve the complaint.
- 6.10 If the grievance is resolved, the Manager Student Services Department or nominee will forward a brief report with accompanying documents to the office of the Director Programs or the office of either the Director Corporate Services or Director Client Services consistent with clauses 6.5 and 6.6.
- 6.11 If unsuccessful in resolving the matter the Manager, Student Services Department or nominee will provide a report in writing within five working days to the CEO, including a copy of the student's written grievance and the written response from the staff member or where the complaint is directed at the institute the relevant senior staff member. The CEO will request the Student Grievance Committee or Faculty Grievance Committee to convene, as set out below and advise the complainant and respondent. The Student Grievance Committee will consider matters of a non-academic nature and the Faculty Grievance Committee will consider academic matters relevant to their areas of teaching and learning.
- 6.12 Where the grievance is against a Head of Department, Senior Lecturer or Manager, the same general process applies, but the written details should be submitted to the relevant Associate Director, Academic Head Higher Education or Director.

7. Student Grievance Committee/Faculty Grievance Committee

- 7.1 The Student Grievance Committee/Faculty Grievance Committee shall be formed by the CEO as required:
- (i) The Committee shall comprise three (3) members – the Chairperson and two other members of staff.
 - (ii) The CEO shall appoint a senior management member of staff as Chairperson of the Committee.

- (iii) The CEO shall appoint a Secretary to the Committee. The Secretary shall not take part in the deliberations of the Committee or vote on any issue.
- (iv) No person who is directly involved in a matter referred to the Committee may serve as a member or act as Secretary to that Committee which hears the matter.
- (v) The decisions of the Committee on any matter shall be by majority vote, with each member entitled to one vote.

7.2 The Student Grievance Committee/Faculty Grievance Committee shall determine its own process with due regard to the observance of the principles of natural justice, and the grievance mechanism shall embody the following requirements:

- A respondent against whom a grievance has been lodged should be fully informed in writing of any allegations against that person. This person shall be fully informed by the Chairperson of the Student Grievance Committee/Faculty Grievance Committee no later than five working days prior to the meeting.
- The respondent should have an opportunity to put their case whether at an oral hearing or otherwise.
- All parties to the grievance should be heard and all relevant submissions considered.
- The Committee shall act fairly and without bias.

7.3 The Student Grievance Committee/Faculty Grievance Committee shall report in writing to the CEO its proceedings and make a recommendation for resolution to the CEO, normally within five working days of its inquiry being completed.

7.4 Upon receipt of the Committee's written report and recommendations, the CEO shall make a decision and communicate the decision with supporting reasons, in writing to the parties involved in the process within two weeks.

7.5 Records of proceedings will be kept for a period of fifteen years by the office of the Director Programs, for academic matters or the office of either the Director Corporate Services or Director Client Services, for non-academic matters. During this time parties to the grievance are entitled to appropriate access to these records. After the expiration of fifteen years all records will be destroyed.

7.6 All parties shall, upon the resolution of a grievance, submit all confidential documentation in relation to the grievance to the Chairperson, for record keeping, consistent with section 6.5.

8. External Review

8.1 Should the complainant or respondent be dissatisfied with the decision of the CEO, he/she can request in writing an external review to be conducted by a member of the Institute of Arbitrators and Mediators Australia (IAMA). NMIT will acknowledge receipt of this request

and pass all information to the designated member of the IAMA. The cost for the external review process will be borne by NMIT.

8.2 If the IAMA member makes recommendations in relation to a grievance they have reviewed, the IAMA member will forward those recommendations to the CEO of NMIT within 14 days. The CEO will consider the recommendations and implement endorsed recommendations as required within 30 days.

9. Resolution of Grievances

9.1 A grievance is deemed to have been resolved when:

- the complainant lodges a written withdrawal of the grievance; or
- the complainant signs a statement acknowledging withdrawal of the complaint; or
- a settlement has been agreed to in writing and signed by all parties; or
- the CEO, after due consideration of the recommendations of the Student Grievance Committee and/Faculty Grievance Committee and/or external reviewer deems the matter to have been fully dealt with by the institute and to be now closed; or
- the Administrative Appeals Tribunal has handed down a decision where its jurisdiction applies.

10. Complaints Regarding Established Institute Procedures

10.1 A student who has a complaint regarding an established institute procedure, which affects the quality of services, offered in the institute and which would lead to improvements in institute practices should complete an "*Improvement Suggestion*" (IS) form.

10.2 IS forms are located at Student Services Departments, Information Desks and with Heads of Departments. Both staff on behalf of students and students of the institute may complete the IS form.

10.3 The IS form once completed should be lodged with the head of the responsible department. The relevant responsible staff member will investigate the complaint and take appropriate action as deemed necessary.

10.4 If no further action is required, the IS form is signed and filed by the Head of Department or Senior Lecturer

10.5 If further action is required the IS form will be forwarded to the relevant Manager, Associate Director, Academic Head Higher Education or Director for further investigation and action. The corrective action may involve raising a new IS form.

11. References

Equal Opportunity Act 1995

Information Privacy Act 2000

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APPROVED FOR USE: Anne Bambrook

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National Complaints Code for VET Quality, Commonwealth

AQTF Standards

Institute policies and procedures

Institute rules and regulations

Higher Education Support Act 2003 and Provider Guidelines