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Human Resources Directorate

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PART A – INTRODUCTION

1. Objectives

In line with its Mission, the University aims to promote and maintain an open and supportive learning environment within which students can optimise their personal, academic and professional development. The aim of the Student Grievance Management Policy and its associated guidelines is to provide processes which enable student concerns to be addressed as quickly as practicable and at a level as close to the source of the concern as practicable.

This policy contains a statement of how the University proposes generally to deal with certain grievances in an attempt to avoid problems developing into intractable grievances that carry the potential to create tension and low morale.

In dealing with grievances, it is necessary to be flexible and sometimes it may not be appropriate to follow this policy or the associated guidelines without modification. Further, the University may amend this policy and the associated guidelines from time to time as it considers necessary.

It may not be possible to resolve a grievance in all cases to the satisfaction of the parties concerned at any stage in the process or, in some cases, at all. It is hoped, however, that in the majority of cases, prompt conclusion will be possible locally.

2. Principles

The Student Grievance Management Policy is based on the following principles:

- (a) All matters are to be addressed as quickly as practicable and as close as practicable to their source.
- (b) Generally, all parties to a concern or grievance being considered under this policy shall be -
 - (i) heard;
 - (ii) treated without bias or pre-judgement;
 - (iii) informed of any complaint made which relates to them;
 - (iv) provided with an opportunity to respond to any complaint pertaining to them; and
 - (v) informed about the status of any concern or grievance which has been formally raised and to which they are a party (subject to any confidentiality issues that the University determines affect this or impact on it in any way).
- (c) Students will not suffer any disadvantage as a result of raising a legitimate grievance.
- (d) Any staff member the subject of, or associated with, any student concern or grievance is required to participate in actions taken under this policy with a view to addressing the matter promptly.
- (e) All aspects of the process are to be as transparent as practicable (subject to maintaining appropriate confidentiality). This policy and associated procedures are readily accessible via the web.
- (f) Appropriate confidentiality is to be maintained at all times.

3. Definitions

- 3.1 “Appropriate confidentiality” means attempting to limit disclosure of information relating to a matter to as few people as practical, and normally only to those who have a need to know as determined by the University.
- 3.2 “Executive Dean of the Faculty”, “Executive Dean” or “Faculty Executive Dean” means a person formally appointed to the role by the University.
- 3.3 “Deputy Vice-Chancellor (Students, Learning and Teaching)” means a person appointed to the role by the University.
- 3.4 “Grievant” means a person who has initiated one or more grievances. If a person initiates more than one grievance, each grievance will usually be managed separately.
- 3.5 “Head of School” means a person formally assigned to the role in accordance with University policy.
- 3.6 “Respondent” means a person against whom a grievance has been initiated under this policy.
- 3.7 “Staff adviser” means a person designated as being available to assist students and other staff in dealing with grievances under this policy.
- 3.8 The University means Australian Catholic University Limited (ACU). The term 'ACU' symbolises the national outreach of the University.

4. Scope of the Policy

- 4.1 This policy will apply to management of grievances arising between parties including:
- (a) student:student;
 - (b) student:staff member;
 - (c) student:external agency - such as those co-operating with the University’s practical placements (eg clinical, school, business placements) provided that the student should first have exhausted avenues of resolution under any applicable complaint or grievance handling procedure of the co-operating institution.
- 4.2 This policy does not apply in relation to grievances or concerns that are covered by other specific policies, agreements or regulations (by way of example, see 4.3 below) or by legislation applicable within the relevant jurisdiction.
- 4.3 As noted at 4.2 above, some grievances are covered by other policies, agreements or regulations. By way of example, the following matters are **specifically excluded** from the scope of this policy as they are covered by relevant nominated policies and processes (this list is not intended to be exhaustive):

Subject of concern or grievance	Relevant policy
Decision regarding a grade in a unit	Academic Regulations
Decision regarding termination of enrolment	Academic Regulations
Decision relating to conditions of candidature of a research or professional doctorate degree student	Research and Professional Doctorate Degree Regulations
Conduct which is a breach of the Academic Honesty Policy	Academic Honesty Policy
Conduct which is a breach of the Student Code of Conduct	Student Code of Conduct
Intellectual property	Intellectual Property Policy
Unacceptable use of the internet	Computer and Internet Acceptable Use Policy

PART B – EARLY MANAGEMENT OF CONCERNS

5. Avenues for management of concerns

Sometimes students have a concern that could become a grievance if it is not promptly and appropriately dealt with. Students, therefore, are strongly encouraged to attempt to resolve their concern informally and as close to the source of the concern as practicable.

6. Avenues for resolution of student concerns

A summary of the avenues and steps which should normally be accessed in addressing a sample of student concerns is included in **Appendix 1**.

A student who has a concern that is not covered in the appendix, should contact the office of the Deputy Vice-Chancellor (Students, Learning and Teaching) in the first instance.

PART C – FORMAL GRIEVANCE MANAGEMENT PROCEDURE

7. Support mechanisms

7.1 In circumstances where concerns are not dealt with as outlined in sections 5 and 6 and become grievances, students who have a grievance may consult Student Services staff within the University to seek advice or guidance about the available and appropriate options for the management of their grievance.

7.2 When grievants and/or respondents participate in any informal discussions in an attempt to resolve a grievance, they may be accompanied by a person of their choosing (other than a person who is a practising solicitor or barrister) who will act in the role of a neutral observer. Such other person shall not act in the role of advocate on behalf of the grievant or respondent.

8. Invocation of formal grievance management process

8.1 A grievant who has been unable to resolve a grievance at the informal stage may invoke the formal grievance management process. In doing so, the grievant is responsible for ensuring that the matter raised has substance and is genuine and must participate in the process in an appropriate manner and honour any agreement reached to resolve the grievance.

8.2 If a grievant wishes to notify more than one grievance, each grievance will usually be managed separately.

8.3 Normally grievances will be submitted to the appropriate Head of School. However, where a grievance emerges in relation to a non educational/non academic matter, the grievance may be submitted to the Deputy Vice-Chancellor (Students, Learning and Teaching) who will refer it to the appropriate senior University officer for management as delegated, in line with the procedures in this policy.

8.4 To invoke this process the grievant will provide to the appropriate Head of School a written statement –

- (a) outlining the nature of and grounds for her/his grievance, including the names of any other party/ies, the time, date, place and any witnesses to the alleged matter of grievance;
- (b) indicating the steps taken to date, including advice sought and provided, and any action taken by the grievant subsequent to obtaining such advice;
- (c) providing any relevant supporting documentation;
- (d) indicating what the grievant considers to be a satisfactory solution of her/his grievance; and

- (e) including the name and signature of the grievant.

The material submitted must be sufficient to enable the Head of School to progress the complaint and the respondent to respond to it. On request, the grievant must provide such additional information as the Head of School may require to progress the grievance.

9. Action by the Head of School/Deputy Vice-Chancellor (Students, Learning and Teaching) (or delegate)

9.1 The Head of School/Deputy Vice-Chancellor (Students, Learning and Teaching) will review the material submitted by the grievant to ensure that it falls within the ambit of this policy and that sufficient information has been provided to enable the grievance management process to progress.

9.2 If the Head of School/Deputy Vice-Chancellor (Students, Learning and Teaching) considers that:

- (a) the matter falls outside the ambit of this policy; or
- (b) the matter requires urgent intervention (eg cases of potential harm to another person or a significant breach of policy or code)

then the Head of School/Deputy Vice-Chancellor (Students, Learning and Teaching) may take such action as deemed appropriate in the circumstances. In cases covered by paragraph (b) above, the officer will report action taken to the Executive Dean of the Faculty.

In particular, where a grievance raises issues of discipline, the University (in its discretion) may terminate or suspend the grievance investigation (whether formal or informal) to allow the matter to be dealt with under the appropriate disciplinary procedure set out in the Student Code of Conduct. If there are parts of the grievance which are not affected by the disciplinary process, it may be decided (after discussion with the Executive Dean of the Faculty) to manage these parts separately, in which case they would continue to be dealt with in accordance with this policy.

9.3 In any other case, the Head of School/Deputy Vice-Chancellor (Students, Learning and Teaching) will notify the respondent of the grievance and provide the respondent with the right of reply. Such reply will normally be provided within 10 working days of the respondent being notified of the grievance.

9.4 Following consideration of the respondent's response, and in the absence of any resolution of the grievance, the Head of School/Deputy Vice-Chancellor (Students, Learning and Teaching) will determine whether the matter should proceed to mediation. The University is supportive of attempts, through use of mediation in appropriate cases, to resolve any student grievance which has not otherwise been resolved.

9.5 When appointing a mediator, the Head of School/Deputy Vice-Chancellor (Students, Learning and Teaching) will give consideration to the subject matter of the grievance, the particular expertise of the mediators and their availability to facilitate the process expeditiously. In order to facilitate handling of the matter in an independent and unbiased way, the appointed mediator shall have had no prior involvement in the grievance.

9.6 In the case of a grievance involving an external agency (eg related to a student's practical placement), the Head of School/Deputy Vice-Chancellor (Students, Learning and Teaching) may investigate the matter and/or negotiate with the external agency before, instead of, or in addition, to proceeding to appoint a mediator.

10. Mediation process

10.1 The role of the mediator is to:

- (a) familiarise herself/himself fully with the grievance documentation (the material provided by the grievant and the response received from the respondent);
 - (b) where possible and with the agreement of the parties, bring the parties together with a view to obtaining a common understanding of the issues and the needs and perspectives of all parties;
 - (c) through listening, try to obtain a common understanding of the issues and discussion of possible solutions, endeavour to obtain outcomes satisfactory to all parties;
 - (d) prepare a report on the mediation process and provide a copy to all parties for their signature as an accurate representation of the process and its outcomes;
 - (e) interact with University management (including the Head of School) in order to facilitate resolution of the grievance (if possible) and achievement of any outcomes agreed through the mediation process.
- 10.2 The mediation process is confidential to the parties involved (including the Head of School/Deputy Vice-Chancellor (Students, Learning and Teaching)) and no information should be divulged by any party other than as agreed during the course of mediation (or as required by law, in the context of any actual or threatened legal proceedings or to protect any third party).
- 10.3 The mediation process should normally be concluded within ten working days of the nomination of the mediator by the Head of School/Deputy Vice-Chancellor (Students, Learning and Teaching). However, in some circumstances, this will not be practicable.
- 10.4 In cases of special need, a translator/communicator may be present. The person may not advocate on behalf of the grievant or the respondent.

11. Reporting on mediation of grievances

- 11.1 On conclusion of the mediation process, the mediator will provide a copy of the signed report (see section 10.1(d) above) to the Head of School/Deputy Vice-Chancellor (Students, Learning and Teaching) (or delegate) and to the grievant and respondent.
- 11.2 Documentation relating to the mediation of formal grievances will be returned by the mediator to the Head of School/Deputy Vice-Chancellor (Students, Learning and Teaching) (or delegate) who will forward it to the office of the Deputy Vice-Chancellor (Students, Learning and Teaching) where it will be held in a restricted access file.
- 11.3 Each Head of School/Deputy Vice-Chancellor (Students, Learning and Teaching) (or delegate) will maintain a register of mediation processes which they have managed and provide an annual report in December of each year to the Executive Planning Group Member responsible for the area the school or functional/organisational unit reports.

12. Steps in Grievance Management

Appendix 2 summarises the process for managing grievances

PART D - AVENUES OF REVIEW

13. Request for review

- 13.1 A grievant who is not satisfied with the outcome of the mediation process may lodge a request for a review to the relevant Deputy Vice-Chancellors. Such request must be lodged within ten working days of finalisation of the mediation process and issuance of the report referred to in Section 10.1(d) above.

- 13.2 The relevant Deputy Vice-Chancellors will appoint an independent University officer to conduct the review. The University officer will undertake such inquiries and make such recommendations as are considered appropriate and generally conduct the review in such manner as she/he considers appropriate having regard to all the circumstances. Following this review, a report will be prepared for consideration by the Deputy Vice-Chancellors.
- 13.3 Following consideration of the report prepared by the University officer, the Deputy Vice-Chancellors will determine the matter and advise the grievant of the result of the review. The grievant will be notified of the outcome and the decision within ten working days of lodgement of the request for review with the Deputy Vice-Chancellors, or such longer period as is practicable.
- 13.4 In certain circumstances, the grievant may be able to seek a review of the decision of the relevant Deputy Vice-Chancellors by the University Visitor. See Clause 15 for further details.

14. Preservation of other avenues of complaint

While students are encouraged to resolve any concerns or grievances they may have arising from their status as a student of the University in accordance with this policy, nothing in this policy derogates from the right of a student to access any other complaint or appeal mechanism available to them as legislated in the relevant State, Territory or under Federal legislation. If any external process is initiated, the internal grievance resolution process may, in the discretion of the Head of School/Deputy Vice-Chancellor (Students, Learning and Teaching) (or delegate) to whom the original complaint was made, be terminated.

15. University Visitor

Where a student is of the view that a grievance has not been appropriately dealt with in the processes outlined in this policy, and where there is no other external complaint or appeal mechanism as outlined in section 14, she or he may raise the matter with the University Visitor. Access to the University visitor is for complaints or grievances commenced on or after 30 September 2005.

The role of the University Visitor is described in the policy on the "University Visitor" available at: <http://inet.acu.edu.au/universityvisitor>

PART E – OTHER MATTERS

16. Withdrawal of grievance or review

At any time during the grievance process a grievant may withdraw any grievance or application for review by notice in writing to the relevant Deputy Vice-Chancellors. Upon such withdrawal, investigation of the subject matter of the grievance or review will normally be discontinued. However, depending on the circumstances, the investigation may be continued.

17. Bar on raising the matter for further consideration

If a grievance has been fully investigated and the process concluded, or a grievance or review application is formally withdrawn in writing by the grievant, the grievant cannot raise the matter again unless it involves additional significant information that was previously unavailable or a separate incident.

18. Malicious or vexatious complaints or grievances

Student complaints or grievances that are found not to be bona fide (eg that are frivolous, vexatious or malicious) may result in disciplinary action being taken against the student making or supporting the complaint or grievance under the Student Code of Conduct or other applicable disciplinary rules.

19. Confidentiality

Appropriate confidentiality is important to the effective management of the process for resolving grievances.

All persons involved in a grievance or in the resolution of a grievance should ensure that information concerning the matter is treated with an appropriate degree of confidentiality.

To this end, persons involved in a grievance will be asked to complete a confidentiality undertaking in the terms set out in Appendix 3 (or any amended terms in place from time to time).

This does not preclude the disclosure of information by the relevant Head of School in the context of the grievance management process to, among others, the respondent, witnesses or other University officers. In addition, if a grievance is raised, the University may not be able to ensure confidentiality where, for example, information may need to be disclosed if:

- harm to a person might occur due to inaction;
- criminal investigation might be necessary; or
- a question of liability might be raised.

20. Documentation

Appropriate documentation relating to grievance investigations will usually be kept by the University (see 11.2 above).

21. External reporting of a grievance

A person who has raised a grievance at the University should inform the person who is managing the grievance, in writing, if the same matter has been or is to be raised with a body external to the University. In such circumstances, the internal grievance management process may cease (temporarily or permanently). In some cases, there may be part(s) of the grievance which can or should continue to be addressed internally in which case these will be dealt with under this policy and processed as expeditiously as possible.

22. Policy Review

The University may make changes to this policy from time to time to improve the effectiveness of the operation or otherwise.

EARLY MANAGEMENT OF STUDENT CONCERNS

APPENDIX 1

In cases where a student has a concern it is important that she or he make every reasonable effort to resolve their concern so as to deal with the matter effectively and as quickly as possible. This represents a sensible approach that in most cases will lead to a resolution of the concern. This document provides students with guidance in relation to the most appropriate persons with whom to raise particular matters, these being the people best able to address the matter.

It is, however, important that students and staff have read and understood the relevant materials eg. Unit Outlines, Academic Regulations, before proceeding and that all matters are discussed as quickly as possible and close as possible to the source of the concern.

The accompanying chart illustrates some of the concerns that might arise for students of the University.

It must be understood that not every concern can be answered to each student's satisfaction; there will be occasions when the University, in following its procedures, legitimately, will not be able to give an affirmative response to a request.

The Grievance Management Process should normally be invoked only if there are clear grounds to proceed and the steps outlined below have been followed.

SUBJECT MATTER	SEQUENCE OF CONTACT		
	→	→	→
Entry to a course Eg. A student considers that special factors regarding their eligibility for admission to a course have not been taken into account	Head of School	Faculty Executive Dean	Deputy Vice-Chancellor (Academic)
A School decision that directly affects a student Eg. A School has chosen to retract a subject after it has been advertised to be offered and students have been enrolled	Course Coordinator	Head of School	Faculty Executive Dean
A Faculty decision that directly affects a student Eg. The Faculty is changing the course structure and required books mid year	Head of School	Faculty Executive Dean	Deputy Vice-Chancellor (Academic) or (Research)
A decision affecting PhD candidature (other than those covered by the Research and Professional Doctorate Degree Regulations)	Head of School	Faculty Executive Dean	Deputy Vice-Chancellor (Academic) or (Research)
Assessment requirements Eg. The Unit Outline criteria have not been followed when assessing students. Eg. There was no Unit Outline given	Academic staff member concerned	Head of School	Faculty Executive Dean
Academic standards (eg. Teaching, supervision, units, workloads) Eg. Lecturer regularly turns up late to lecture	Academic staff member concerned	Head of School	Faculty Executive Dean

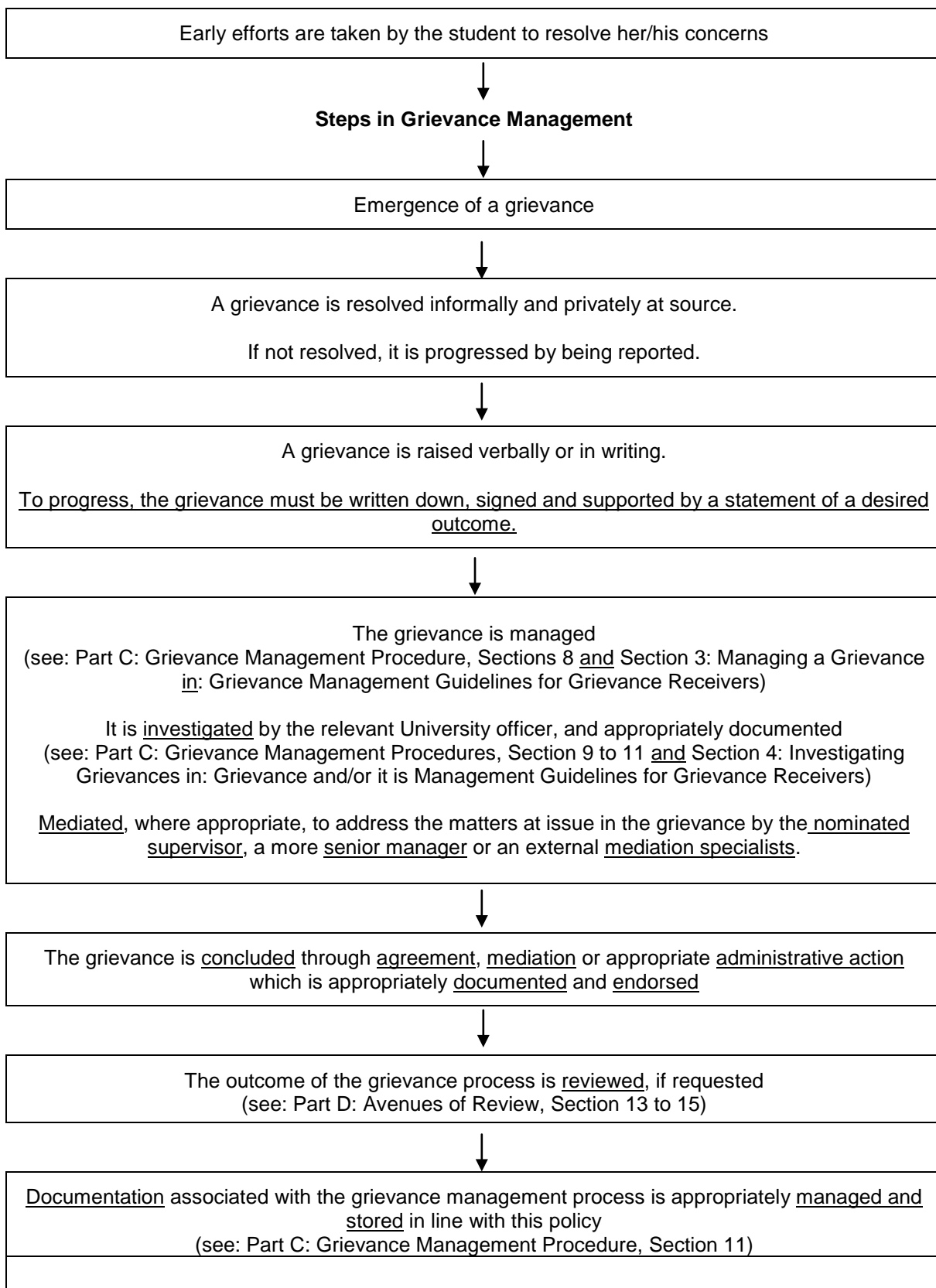
SUBJECT MATTER	SEQUENCE OF CONTACT			
	→	→	→	
Result in a unit (see Academic Regulations) Eg. The student believes that published University regulations or procedures were not followed	Lecturer-in-charge of unit	Head of School	Faculty Executive Dean	Chair Academic Board
Termination of enrolment (see Academic Regulations) Eg. The student believes that published University regulations or procedures were not followed	Course Coordinator	Head of School	Faculty Executive Dean	Chair Academic Board
Intellectual property Eg. A student's work is plagiarised by another person <ul style="list-style-type: none"> • a coursework unit • a research unit 	Lecturer-in-charge of unit Academic staff member supervising the student's work	Head of School Head of School	Faculty Executive Dean Deputy Vice-Chancellor (Research)	Deputy Vice-Chancellor (Academic) Arbitration by the Australian Commercial Dispute Centre (with reference to research work).
Research ethics Eg. A student's research project breaches the conditions prescribed in the ethical clearance approval	Principal research supervisor	Chair, Human Research Ethics Committee	University Research and Research Training Management Committee	

RESOLVING ADMINISTRATIVE CONCERNS

SUBJECT MATTER	SEQUENCE OF CONTACT			
	→	→	→	
Administration of University policies, procedures	Staff member concerned	Manager/Head of relevant section	Head of Directorate (eg Academic Registrar, Director of Finance, Faculty Executive Dean)	Deputy Vice-Chancellor (Administration and Resources) / Deputy Vice-Chancellor (Academic)
Availability of or access to central computing facilities	Staff member concerned	Manager/Head of relevant section	Director, Information Technology Services	Deputy Vice-Chancellor (Administration and Resources)
Availability of or access to Library facilities	Staff member concerned	Manager of relevant Library	Director, Libraries	Deputy Vice-Chancellor (Academic)

RESOLVING EQUITY AND SEXUAL HARASSMENT CONCERNS

SUBJECT MATTER	SEQUENCE OF CONTACT		
	→	→	→
Sexual Harassment	Discrimination and Harassment Adviser (for advice on University procedures)	Head of School or Deputy Vice-Chancellor (Students, Learning and Teaching)	Relevant Deputy Vice-Chancellor / Deputy Vice-Chancellor (Administration and Resources)
Unlawful discrimination	Discrimination and Harassment Adviser (for advice on University procedures)	Head of School or Deputy Vice-Chancellor (Students, Learning and Teaching)	Relevant Deputy Vice-Chancellor / Deputy Vice-Chancellor (Administration and Resources)
Bullying	Discrimination and Harassment Adviser (for advice on University procedures)	Head of School or Deputy Vice-Chancellor (Students, Learning and Teaching)	Relevant Deputy Vice-Chancellor / Deputy Vice-Chancellor (Administration and Resources)



A Confidentiality Agreement must be obtained from each party to a grievance. Please indicate below the relevant party to this Agreement.

CONFIDENTIALITY AGREEMENT	<input type="checkbox"/> Grievant	<input type="checkbox"/> Respondent
	<input type="checkbox"/> Witness	<input type="checkbox"/> Observer

A significant aspect of managing grievances/complaints at ACU is the issue of confidentiality. The following sets out the process for undertaking an enquiry/investigation into an alleged grievance under the ACU Student Grievance Management Policy or Staff Grievance Management Policy and asks you to commit to this Confidentiality Agreement

Please read the document carefully. You are invited to ask any questions you may have prior to signing it. You will be provided with a copy of this document.

1. This is an enquiry/investigation into an alleged grievance/complaint at Australian Catholic University. If you are the **Grievant, Respondent or Witness**, you may bring a support person (observer) with you to the interview. (If you are the **Observer** (support person) your role is to observe the interview only.) The interview can be halted at any time if you wish to take a break and reconvene at a later time.
2. Your co-operation in establishing the circumstances surrounding the matter is fundamental to the grievance/complaint process of natural justice. Therefore your full and truthful witness is sought.
3. **Appropriate confidentiality must be observed by all parties involved.** This means that there must be no discussion by you with other people about the facts or substance of the details of interview or the allegations. Discussions with health, legal or other advisers or nominated senior officers of Australian Catholic University are permitted if you clearly state to those involved that all such discussions are confidential.
4. Breach of confidentiality would be viewed seriously Australian Catholic University and may result in disciplinary action.
5. Untruthful or dishonest conduct in relation to any grievance/complaint, or conduct that could give rise to an allegation of victimisation by any other person involved in the grievance / complaint process, would be viewed seriously by the University and may result in disciplinary action.
6. Concise notes will be taken at any interview and a copy provided to you after the interview. A sign-off will then be requested that the notes reflect a true and accurate record of interview. You will have the opportunity to clarify the contents of such notes if this is necessary, prior to signing them.

Confidentiality Agreement

I have read and understand the above.

I agree to observe the protocols outlined and maintain confidentiality.

Name (please print)

Course/Work Unit

Contact Tel.

Signature

Date
