GRIEVANCE POLICY AND PROCEDURES

PURPOSE

This policy is to enable students enrolled or seeking to be enrolled in Higher Education or VET programs at Kent Institute of Business and Technology ("the Institute") to pursue perceived grievances of either an academic or non-academic, personal nature, by following procedures which allow for any alleged or perceived grievances, disputes or complaints to be effectively resolved.

The policy and procedures are based on the principles of fair and just process and the resolution of perceived grievances in a timely and constructive manner. They are accessible in the Student Handbook, on the Institute website, and may be obtained from the Student Services Office.

DEFINITIONS

ACADEMIC GRIEVANCES relate to student academic progress, assessment, subject/unit content or academic/attendance records in a program or course of study.

NON-ACADEMIC GRIEVANCES do not relate to student progress, assessment, course content or awards in a course and include complaints in relation to personal information that the provider holds in relation to the Student. Non-academic grievances tend to arise from events occurring at a provider or from decisions made by a provider.

The processes and procedures of the Institute do not replace or modify processes, procedures or responsibilities which may arise under other provider policies, or under statute or other legal obligations within the relevant Australian legal system.

THE TEACHING AND LEARNING COMMITTEE OF THE INSTITUTE RESPONSIBILITIES

The Teaching and Learning Committee, a Standing Committee of the Academic Board, is responsible for setting guidelines for, and determining the outcomes of student grievances and appeals of an Academic nature. The Academic Board reviews all reports relating to Grievances or Appeals procedures at least annually.

ACCESS TO GRIEVANCE PROCEDURES

All students enrolled or persons seeking to enroll in a course of study with the institute are entitled to have their grievance addressed using the grievance procedures set by the Institute, regardless of the location of the campus on which the grievance has arisen, the student’s place of residence or the mode in which they study.

All alleged grievances and complaints are seriously considered, and dealt with as soon as possible. In the normal course of events, there is no fee or charge for student access to these procedures.

BEFORE AN ISSUE BECOMES A FORMAL GRIEVANCE

Where a query or complaint is of a simple or straightforward nature, the student may raise it with
the relevant officer(s) of the Institute, to seek its effective resolution. Examples could include misunderstandings or confusion about whether fees have been paid, correct enrolment information supplied and recorded, assignments handed in etc.

**LODGING A FORMAL GRIEVANCE**

Where a complaint cannot be satisfactorily resolved by informal means, or is of a sensitive, complex or serious nature, the Institute’s formal grievance procedures may be accessed. These involve lodging a written complaint, using the Institute’s complaints form, with supporting information and documentation wherever possible.

- Complaints/grievances of an academic nature should be addressed to the DIRECTOR OF STUDIES
- Complaints/grievances of a non-academic/personal nature should be addressed to the CAMPUS DIRECTOR

If needed, Institute staff will assist students to direct a grievance in the appropriate manner. If deemed necessary, an appointment can be made for the student to meet with either the Director of Studies or the Campus Director, as appropriate.

**INITIAL GRIEVANCE PROCESS**

**GRIEVANCES OF AN ACADEMIC NATURE**

The Director of Studies will meet with the student as soon as possible at times convenient for both parties, to consider options to resolve the grievance in a satisfactory manner.

The Director of Studies will consider the student’s case, and a written statement of the outcome will be provided to the student within ten (10) working days of formal lodgement of the grievance.

Where an academic grievance relates to unit/assessment grade outcomes/results, the Director of Studies will arrange for them to be re-assessed by two independent assessors, who were not involved in determining the original grade/result.

If these assessors agree that the original grade/result was inappropriate, they will advise the Director of Studies and the original grade/result will be adjusted accordingly. Otherwise, the original grade/result will stand.

**GRIEVANCES OF A NON-ACADEMIC/PERSO NAL NATURE**

The Campus Director will meet with the student as soon as practicable for both parties, to consider options to resolve the grievance in a satisfactory manner.

The Campus Director will consider the student’s case, and a written statement of the outcome will be provided to the student within ten (10) working days of the formal lodgement of the grievance.
APPEALS PROCEDURE FOR ACADEMIC GRIEVANCES

If the student is not satisfied with the result of the grievance process as followed, the student may submit an Appeal, in writing, with all relevant documentation, addressed to the Chair of the Teaching and Learning Committees. Having received such an appeal, the Chair of the Teaching and Learning Committees will:

a) Acknowledge its receipt within five (5) working days
b) Dismiss the appeal, giving reasons, in writing, to the appellant or
c) Convene an Appeals Panel to consider the appeal. In this case, the Chair of the Teaching and Learning Committee will so inform the appellant, in writing, within five (5) working days.

CONVENING AN APPEALS PANEL

- The Chair of the Institute’s Teaching and Learning Committee will establish an Appeals Panel, comprising three (3) members of the Committee, who have had no previous involvement in the particular grievance.

- The Panel must meet within ten (10) working days of receiving the documentation on which the Appeal is based.

- The Panel will meet prior to any proposed Hearing of the Appeal, to determine how it will conduct the Hearing, consistent with the principles, processes and procedures approved by the Institute, and to ensure that the Panel has an informed understanding of all the facts, allegations and circumstances involved.

- Having gained this informed understanding, the Panel may ask the Director of Studies, the Appellant (the student appealing against the decision made about his/her original grievance) and the Respondent (the person about whom the original grievance was made), and any other relevant person(s) to attend a Hearing, and/or to provide any relevant documentation or information for consideration at such Hearing.

- Written notice of the Hearing must be given to all parties directly involved, within five (5) working days of its proposed date.

- When giving such notice, the Panel will indicate the names of all those invited to attend and copies of written documentation to be considered. This information is to be provided at least five (5) working days in advance of the proposed Hearing.

- The Appellant and/or Respondent may nominate a support person(s) to attend the Hearing. The name(s) and contact details must be notified to the Chair of the Panel at least three (3) days prior to the Hearing.

- Formal legal representation is permitted only in very exceptional circumstances, and then only with the prior approval of the Chair of the Panel.
- Both the Appellant and Respondent and, if necessary, their support person(s) may address the Hearing, and/or question any person(s) involved in the Hearing, including the Chair and Panel.

- Any relevant person unable to attend the Hearing may, subject to the Panel’s approval, submit a written statement to the Panel.

- Where all reasonable steps have been taken, without success, to contact the Appellant and/or Respondent, the Panel may decide to conduct the Hearing in their absence, provided that the Panel believes there is sufficient information and documentation for a fair and reasonable decision on the appeal to be made.

- Following the Hearing, the Panel will meet in private, to make its final deliberations and decision.

The Chair of the Panel will report its decision, in writing, within five (5) working days, to the Chair of the Teaching and Learning Committee, with copies to all parties directly involved in the Appeal.

If a student is dissatisfied with the outcome of their appeal against a grievance of an academic nature, they may make a written request to the Chief Executive Officer of the Institute that he or she wishes the matter to be dealt by the external appeal service below. The service provides the student with access to external independent review of grievance decisions in relation to academic matters.

- If the complainant is non-student-visa-holder (Australian citizens, permanent residents or temporary residents), the student may contact Australian Mediation Association by email to info@ama.asn.au or by post to PO Box 1347 Brisbane 4001.

- If the complainant is student visa holder, he or she may contact the Overseas Students Ombudsman (OSO) who offers a free and independent service for overseas students who may wish to appeal against a decision made by their private education provider or training provider in Australia.

The relevant website is www.oso.gov.au and the telephone is 1300 362 072.

NOTE: The overseas Students Ombudsman’s service is free of charge to both providers and students.

- If the AMA/OSO external review process supports the student, the Institute will implement any decision and/or actions required within 10 working days upon receipt of the response from AMA/OSO and so advise the students in writing. If the AMA/OSO external review process does not support the student, the Institute will so advise the student in writing within 10 working days upon receipt of the response from AMA/OSO, with reasons as provided.

If a grievance still remains unresolved after the external dispute resolution process, the student may decide to refer the matter to an external agency such as the relevant State departments of the Anti-Discrimination Board or The Office of Fair Trading.

**APPEALS PROCEDURE FOR NON-ACADEMIC GRIEVANCES**

Index No: 24  
HE Policy No: 17.5.3  
NVR Standards No: 16.3  

Version 4, issued on 11 February 2013  
Approved by: The Academic Board  
Date: 14 February 2013  
Next Review: January 2018
If a student wishes to appeal against the Institute’s dealing with a grievance of a Non-Academic/Personal nature, the student may write to the Chief Executive Officer (CEO) of the Institute, advising that he/she wishes the matter to be dealt with by the external appeals service below. The service provides the student with access to external independent review of grievance decisions in relation to academic matters.

- If the complainant is non-student-visa-holder (Australian citizens, permanent residents or temporary residents), the student may contact Australian Mediation Association by email to info@ama.asn.au or by post to PO Box 1347 Brisbane 4001.

- If the complainant is student visa holder, he/she may contact the Overseas Students Ombudsman (OSO) who offers a free and independent service for overseas students who wish to appeal against a decision made by their private education or training provider in Australia.

The relevant website is www.oso.gov.au and the telephone number is 1300 362 072.

NOTE: The Overseas Students Ombudsman’s service is free of charge to both providers and students.

- If the AMA/OSO external review process supports the student, the Institute will implement any decision and/or actions required and so advise the student in writing. If the AMA/OSO external review process does not support the student, the Institute will so advise the student in writing, with reasons as provided.

If a grievance still remains unresolved after the external dispute resolution process, the student may decide to refer the matter to an external agency such as the relevant State departments of the Anti-Discrimination Board or The Office of Fair Trading.

**Implementing recommendations arising from external review of Academic grievances/Non Academic Grievances**

The Chief Executive Officer will ensure that any recommendations from external review are implemented within 15 working days. The complainant and respondent will be notified in writing of any action(s) taken by the Institute as a result of the mediation within 10 working days. The Institute agrees to be bound by the external review’s recommendations.

**APPEALS AGAINST CANCELLATION OF ENROLMENT**

If an appeal is against the Institute’s decision to cancel a student’s enrolment for:

a) Unsatisfactory academic progress,
b) Unsatisfactory attendance,
c) Non-payment of due fees and charges, or
d) Deferment or suspension of a student’s enrolment, because of misbehaviour
The Institute will not take action against the student until the external appeals process has been completed and its findings have supported the Institute’s decision.

INFORMATION FOR STUDENT SEEKING ASSISTANCE REGARDING GRIEVANCES
Information regarding students’ grievance procedures will be posted within the Institute premises such as on student notice boards as well as in the student handbook and on the Institute’s website. The Institute’s student services staff are trained to provide the right information on the grievance procedure and the person to see regarding the grievance.

FAIR AND JUST PROCESS
No complainant, appellant or respondent will be victimised or discriminated against in the course of the carrying out of the complaints, grievances and appeals processes, either internal or external, delineated in this policy. The complainants or respondents may be accompanied and assisted by a third party.

RECORDS AND CONFIDENTIALITY
Records of all complaints, grievances and appeals will be maintained, in strict confidence, in the student’s, and, where relevant, respondent’s, personal file and in a Central Appeals Register, for a period of seven (7) years. All parties to a complaint will have appropriate access to records that are specifically relevant and related to the complaints, grievances and appeals.