

Policy number	P42	Version	6
Approved by ABG	8 August 2019	Scheduled review date	August 2022

1. Purpose

To develop and maintain an effective, timely, fair, accessible and equitable grievance handling system.

2. Scope

This procedure applies to all NIODA candidates, students, including prospective candidates/students seeking to enrol.

3. Policy Statement

Grievance processes at NIODA provide further opportunity for students to appeal against decisions made about assessment, misconduct, special consideration, enrolment and progression eligibility and other academic matters, or complaints about relationships, interactions or processes that have been unable to be resolved through other* appeal or request mediums. It is the highest level appeal process for students at NIODA and outcomes supersede previous decisions.

*Other appeal or request mediums include Academic Progress and Academic/General Misconduct subcommittees and decisions made at Education Committee level, such as admission, enrolment, special consideration, credit transfer and recognition of prior learning decisions.

NIODA is committed to developing and maintaining an effective, timely, fair and equitable grievance handling system that is easily accessible.

NIODA aims to:

- develop a culture that views grievances as an opportunity to improve the organisation and how it works
- set in place a grievance handling system that is in accordance with NIODA aims of openness, collaboration, respect and dialogue and aims to prevent grievances from recurring
- ensure that all grievances are resolved in a timely manner and are handled professionally, confidentially and with the principles of natural justice
- ensure that the views of each party involved in the grievance are respected and are not discriminated against or victimised
- ensure that there is a consistent response to grievances
- ensure that records of all grievances and the procedures undertaken are kept accessible to all interested parties for a period of no less than five years (subject to NIODA's Privacy Policy). The records remain confidential and are retained in a separate file.

Candidates/students who initiate grievance procedures are not adversely affected in ongoing relations with any NIODA board, committee or staff member, or have any component of their studies compromised as a result of making the complaint.

This policy and procedure is designed to ensure that NIODA responds effectively to individual cases of dissatisfaction before an issue becomes a more formalised grievance.

Candidates/students or potential candidate/students seeking to enrol in a course of study with NIODA are encouraged, wherever possible, to resolve concerns or difficulties directly with the person(s) concerned. The CEO, academic staff and Candidate/Student Advisor are available to assist in this process. The complainant at any juncture in this grievance process may invite another person to support them.

NIODA grievance procedures do not replace or modify procedures or responsibilities that may arise under statute or any other law.

There will be no financial cost to candidates or students who initiate internal grievance procedures.

4. Procedures

Formal student grievances must be submitted in writing to the Chair of the Academic Board of Governance (ABG). Receipt of the grievance is acknowledged within five working days.

The ABG Chairperson has discretionary authority to determine what type of procedure should occur on receipt of a grievance. This decision is based on the type and severity of the issue.

1. Some grievances may be a matter of miscommunication or misunderstanding that may be able to be resolved through a telephone or face-to-face meeting with the participant. The ABG Chairperson ensures that this takes place within five working days on receipt of the grievance.

2. Others grievances may be more complicated. In this case of candidates/students, a Grievance subcommittee of the Academic Board of Governance will be convened. The Chair of this subcommittee is responsible for determining whether the grievance is justified on the basis of the evidence presented. The subcommittee proceeds with reference to the following:

- the issue must be handled in a timely, efficient, fair and equitable way
- the complainant must have the opportunity to present their case to the subcommittee
- the complainant may invite another person to support them when presenting their case to the subcommittee
- the complainant must receive a written report of outcomes within 10 working days of a resolution being determined by the subcommittee
- the subcommittee records decisions and actions taken by the subcommittee and the reasoning behind them for record-keeping and to be used (in a non-identifiable form) in institutional and/or program review processes.

There may also be grievances that trigger external intervention from statutory or legal authorities. In this instance, the Chair of the Grievance subcommittee contacts the appropriate authority as soon as is possible.

5. External grievance procedures

After the conclusion of internal grievance procedures, candidates/students and prospective candidates/students have the right to external appeal of their complaint. NIODA has formal arrangements with an external authority for referral of candidate/student grievances which have not been resolved in the organisation. This will be at no cost to the complainant. See contact details below.

Other external avenues for complaint include:

- the government Higher Education Regulator, TEQSA. Please see information about the nature of the complaint that TEQSA is able to receive
<https://www.teqsa.gov.au/complaints-domestic-students>
- the Australian Competition and Consumer Commission (ACCC). The ACCC only have jurisdiction (i.e. the power) to investigate complaints that are in breach of the *Competition and Consumer Act 2010*. Visit the ACCC website for details on how to submit a complaint.

External Arbiter details: Legally Speaking, Ms Elise Margow, Suite 4, 4/443 Little Collins Street, Melbourne, 3000

Email: emargow@legalspeak.com.au

Phone local 03 9670 6700 or 0417 306 731

From overseas +61396706700 +61417306731

Any recommendations arising from an external grievance procedure are implemented at NIODA in practice and policy. It is the responsibility of the ABG to ensure such changes are implemented and monitored.

6. Record Keeping and Confidentiality

Records of all grievances handled under this procedure and their outcomes are maintained for a period of at least five years to allow all parties to the grievance appropriate access to these records, upon written request to the NIODA Administrator. These records are maintained electronically in a password protected file and in a locked filing cabinet in the office of the Administrator.

All records relating to complaints are treated as confidential.

7. Implementation

Responding appropriately and in accord with NIODA policy, to student or prospective candidate/student complaint is a critical component of staff training. All staff receive this policy in hard copy in their staff orientation pack. Orientation to the policy and its implication for practice occurs annually at a staff training day, and as needed throughout the year at Education Committee and Executive management meetings.

8. Publication

This policy is publicly available on NIODA's website <https://www.nioda.org.au/policies>.

9. Related Documents

Assessment Policy

Code of Conduct Policy

Academic Integrity and Honesty Policy

General Misconduct Policy

Progression and Exclusion Policy

Eligibility, Admissions and Enrolment Policy

Credit Transfer Policy

Recognition of Prior Learning Policy