

Policy number	P8	Version	8
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1. Purpose

This policy is to:

- ensure the National Institute of Organisation Dynamics Australia (NIODA) board and committee members, staff members, candidates and students, and prospective candidates and students have access to mechanisms that are capable of resolving grievances about any aspect of their experience with NIODA or related parties.
- maintain an effective, timely, fair, accessible and equitable grievance response system

2. Scope

This policy applies to NIODA board and committee members, staff members, candidates and students, and prospective candidates and students and pertains to grievances relating to all matters - academic and non-academic.

NIODA has specific policies pertaining to sexual misconduct and bullying. Allegations relating to sexual misconduct, bullying or research ethics complaints, should be addressed according to those specific policies.

3. Principles

NIODA is committed to developing and maintaining an effective, timely, fair and equitable grievance response system that is easily accessible and adheres to the principles of natural justice.

4. Definition

“Principles of natural justice” means general procedural fairness in the handling of a complaint that involves all the following elements:

- the right to a fair and unbiased hearing
- the right to attend hearings with a friend or support person, if required
- the opportunity for all parties involved to be heard
- genuine consideration by the decision-maker of any submissions made
- genuine inquiry into any areas of dispute
- the subject of the complaint having full knowledge of the nature and substance of the complaint
- the right to an independent, unbiased decision-maker
- a final decision that is based solely on the relevant evidence.

A **“legitimate complaint”** is a formal complaint made in good faith that is neither frivolous nor vexatious. Labelling a complaint as "legitimate" does not prejudice its outcome; it merely qualifies it as deserving of serious consideration and a formal response. The actual merits of the complaint are determined through the fair and thorough investigation process outlined in this policy.

5. Policy Statement

Grievance processes at NIODA provide opportunity for board and committee members, staff members, candidates and students and prospective candidates and students to appeal against decisions, or make complaints about

relationships, interactions or processes.

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

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 response system that is in accordance with NIODA's values 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 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 board and committee members, staff members, candidates or students or prospective candidates and 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 or work 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.

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

6. Grievance Procedures

The Board of Governance has overall responsibility for all grievances. The Board of Governance delegates academic related grievance processes to the Academic Board of Governance for ongoing monitoring and final internal arbitration and resolution. The Board of Governance monitors non-academic grievance processes and maintains final internal arbitration and resolution for all non-academic matters.

There may be grievances that trigger NIODA to invite intervention from statutory or legal authorities. In this instance contact is made with the appropriate authority as soon as possible.

6.1. Informal procedures

Board and committee members, staff members, candidates and students, prospective candidates and students are encouraged, wherever possible, to resolve concerns or difficulties directly with the person(s) concerned.

If the issue remains unresolved students and candidates should make contact with course leads, staff with their line manager and board and committee members with their respective chairs (respondents). If the initial complaint can be resolved fully through discussions with the complainant, the respondent will document the nature of the complaint, conversations undertaken, resolution and any rectification, and this will complete the informal complaint process. As part of the resolution at this informal level, the respondent works with the complainant to outline rectification and engage with the subject of the complaint, if appropriate.

If informal resolution cannot be achieved, a written statement setting out the complaint is required from

the complainant before the matter can proceed to formal grievance procedures.

6.2. Formal procedures

Stage 1

Academic grievances, appeals and alleged misconduct are directed to the Dean, and non academic grievances and alleged misconduct to the CEO. The Dean, HREC Chair or CEO convenes a subcommittee to investigate the issue(s) or to conduct mediation or conciliation in the case of misconduct or grievance issues arising between two or more people.

The email addresses and telephone numbers are available in the Internal Directory on the NIODA internal platform at <https://sites.google.com/nioda.org.au/internalplatform/home> (click on Internal Directory).

Notes

- 1) NIODA has specific policies pertaining to sexual misconduct and bullying. Allegations relating to sexual misconduct or bullying are to be taken up according to those specific policies.
- 2) The Human Research Ethics Committee (HREC) has a separate complaints policy that addresses any matter that alleges unethical behaviour in regard to projects that have received approval from the HREC. Complaints about ethics decisions are to be taken up as per the Grievance Policy.

Stage 2

If the issues continue to remain unresolved, a request for final internal review of decisions can be made to the Academic Board of Governance for academic issues, including appeals against HREC subcommittee decisions and to the Board of Governance for non-academic issues. The boards then convene a separate grievance subcommittee to address the matter. This is the highest level internal appeal process at NIODA and outcomes supersede previous decisions.

7. Grievance processes

The subcommittee is responsible for determining whether the grievance is founded or misconduct has occurred on the basis of the evidence presented, and any other evidence gathered in response to the complaint.

Grievance subcommittees should comprise the most appropriate personnel from across the organisation, and/or externally, depending on the type of issue presented to determine a response.

Members of the subcommittee are to be impartial and not involved in any original situation/decision.

The grievance process is confidential, and all records relating to complaints are treated as confidential.

Description of the grievance should be submitted by the complainant to the Chair of the subcommittee. The Chair is to respond with details of the grievance process within five working days.

In the case of appeal against a fees refund decision there is a 28 day time limit after receipt of the original decision for submitting an appeal application.

The complainant must have the opportunity to present their case to the subcommittee.

The subject of the complaint and any other person whose interests are to be affected by a decision will have full knowledge of the nature and substance of the complaint and receive a fair and unbiased hearing before a decision is made.

The complainant is to be invited to access independent professional advice and to have an advocate or support person with them throughout the process

The complainant is to have the financial cost in their undertaking a grievance process explained. (No cost other than if they choose to hire an independent professional for advice, i.e. hiring an independent professional is at their own undertaking)

The complainant is to receive a written report of outcomes within five working days of a resolution being determined by the subcommittee. The report is to include avenues for external appeal when it may be beneficial for the student/candidate.

The subcommittee is to record 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 course review processes. This is with the exception of the outcome of any mediation which will not be recorded, and any subsequent proceedings will begin *de novo*. The subcommittee is to 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 the *Privacy Policy*). The records remain confidential and are retained in a separate file.

The grievance process from beginning to end must be handled in a timely, efficient, fair and equitable way, without fear of reprisal.

8. Procedures for dealing with criminal conduct

Some forms of misconduct may constitute criminal conduct.

Where allegations of behaviour are made that may constitute criminal conduct members of the NIODA community will be advised of the option of police support or intervention. It is not the obligation or duty of NIODA to report matters to the police on behalf of the complainant.

In other instances, for example allegations of theft from NIODA, NIODA will pursue police intervention.

9. External grievance procedures

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

External Arbiter details: Legally Speaking, Ms Elise Margow, Suite 4, 4/443 Little Collins Street, Melbourne, 3000
Email: emargow@legalspeak.com.au Telephone: +61 (0)3 9670 6700 or +61 (0)417 306 731

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
- the National Student Ombudsman, Department of Education. Please see <https://www.education.gov.au/national-student-ombudsman>
- the Commonwealth Ombudsman for international students. Please see <https://www.ombudsman.gov.au/complaints/international-student-complaints>.

Students and candidates also have the right to apply to the Administrative Appeals Tribunal (AAT) for a review of the original decisions about fee refund decisions. Students and candidates should be aware that the other party at the AAT will be the Department of Education and Training and that NIODA will forward all relevant documents to the department.

- The standard application fee for an AAT review is approximately \$920 which the student/candidate is required to pay. This cost may be subject to change. There are some exceptions to this cost including for students/PhD candidates on Austudy or Abstudy or where financial hardship can be proven.
- The nearest registry of the AAT is Level 4, 15 William St, Melbourne VIC 3000. AAT contact details are:
- Email: generalreviews@aat.gov.au
- Post: GPO Box 9955, Melbourne, VIC 3001
- Website: <http://www.aat.gov.au> Administrative Appeals Tribunal (AAT) in the case of grievances about Fee refunds

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

10. Privacy and Reporting

Maintaining the privacy and safety of all parties to a complaint is a priority at all times. Records of all complaints handled under this procedure and their outcomes, shall be maintained for a period of at least five years to allow all parties to the complaint appropriate access to these records.

All records relating to complaints are treated as confidential and are maintained electronically in a password protected file managed at the office of the NIODA Administrator.

11. Implementation

Responding appropriately, and in accord with NIODA policy, to grievances is a critical component of board, committee and staff training. All receive access to this policy on orientation and it is discussed as needed at the relevant committee.

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

12. Related Documents

Sexual Misconduct Policy

Bullying Policy

Research Ethics Complaint Policy

All academic and non-academic policies