

# Grievance Procedure

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<b>Version:</b>	5.0	<b>Effective Date:</b>	18 March 15
<b>Procedure Code:</b>	PR-019	<b>Related Policy Code:</b>	STU-018
<b>Related Policy Name:</b>	Grievance Policy		

## Purpose:

This procedure identifies the processes in place at the College to effectively manage complaints of an academic or non-academic nature, and is to be read in conjunction with the Grievance Policy. Students of the College or those seeking to enrol in a course of study with the College are entitled to access the grievance procedures set out in this policy, regardless of the location of the campus of the College at which the grievance has arisen, the student's place of residence or the mode in which they study. In addition, clients of the Teaching Clinics can also utilise this policy if they wish to lodge a complaint.

**Definition of "College"** – *The Australian College of Natural Medicine Pty Ltd (ACNM) trades as Endeavour College of Natural Health, FIAFitnation, College of Natural Beauty and Wellnation. For the purpose of this procedure, any reference to 'College' or 'the College' should be considered a reference to each or any of these respective trading names.*

- Scope:**
- All campuses and online
  - All courses and programs
  - All students (including prospective students and alumni)
  - All academic staff and trainers/assessors
  - All clients of teaching clinics

## Procedure:

The following process details the four key stages through which a grievance may be dealt with. The College provides the following processes to allow the grievance to be formalised. The claimant's privacy rights will be assured whilst also ensuring that victimisation and discrimination does not occur at any time during the entire process in regard to any complainant or respondent.

The claimant has the right to be heard on the matter of the complaint at any stage and may be accompanied by a nominated support person, not being legal counsel or a solicitor, when meeting with the College to discuss their particular concern.

The claimant has the right to request and gain access to records associated with their complaint at any time by putting a request in writing to the Director Student Services. All information in relation to the complaint will be treated confidentially in accordance with the College [Privacy Policy](#) and retained for a period of 5 years.

This procedure and related policy will be published on the College's website for the information of current and prospective students.

This procedure and the associated policy is communicated to all academic and support staff through the College's intranet site. The Director Student Services is responsible for the training of academic and support staff in the application of the policy and procedure.

## Stage 1 – Informal Resolution Process

Claimants are encouraged to attempt to resolve the grievance informally and amicably at an early stage in the following ways by speaking directly with the person concerned such as the lecturer, tutor or clinic supervisor to resolve the problem.

If the claimant cannot gain resolution or feels they cannot talk to the person involved, the claimant may then seek assistance from the Program Leader, Senior Lecturer/Trainer or National Training Manager on campus (or a nominated delegate). The nominated staff member will communicate with the student about the outcome and possible resolution. The communication and outcome will be recorded in the student's confidential records and kept for a period of 5 years.

An alternative method to resolve a grievance informally is by lodging feedback via the Quality Feedback Monitor (QFM) which can be accessed via the student ePortal or on the College website. When submitting feedback via the QFM, students/clients will receive a response within 3 working days. If the grievance is not resolved through informal procedures, students/clients may initiate the College's Formal Grievance Procedure ([Stage 2](#)). All students/clients have the right to lodge a formal grievance. A formal grievance must be lodged by a person who is directly impacted by the events described in the grievance. There is no cost to the claimant for utilising the internal College grievance process.

## Stage 2 – Formal Grievance Process

The formal grievance procedure begins when a current or prospective student or clinic client states in writing that they have a complaint.

The claimant should complete a [Formal Grievance Form](#) and submit this to the Director Student Services via student administration. The claimant should include a detailed description of the reason for their complaint and if available any documentary evidence.

The claimant will receive acknowledgement of receipt of their grievance from the Director Student Services within 5 working days.

This acknowledgement will:

- Advise the claimant of the process that will be followed, the timeframes that will be required and the steps the claimant should undertake for this stage of the particular grievance, and
- Advise the claimant of their rights of appeal.

The grievance resolution process will commence within 10 working days of the receipt of the form and all reasonable measures will be undertaken to finalise the process as soon as practicable. The Director Student Services (or delegated nominee), will, if necessary, seek to clarify the outcome that the student hopes to achieve. The Director Student Services (or delegated nominee) will investigate the grievance and interview anyone associated with the grievance to gain a full understanding of the issues in order to make a considered decision. Clarification may be sought from the student by a verbal or written request or by a face-to-face interview with the student. Both the claimant and/or Respondent(s) may be accompanied and assisted by a nominated support person, not being legal counsel or a solicitor, if so desired.

The Director Student Services (or nominated delegate) will provide a written decision to the claimant and / or respondent within 20 working days of receipt of the formal complaint or as close to this timeframe as possible. The correspondence will outline the reasons for the decision and the name and contact details of the person to whom they can appeal if they are not satisfied with the decision. This timeframe is dependant on the requirement for re-assessment or provision of further evidence, and the claimant shall be kept informed of any changes to the schedule.

The Director Student Services (or nominated delegate) will also provide an internal

report on the process for College records, using the [Grievance Report Stage 2 Form](#). All records are kept on file for a period of 5 years.

### Stage 3 - Appealing the Original Decision

If the claimant is dissatisfied with the outcome of their grievance, they may lodge a further appeal detailing the reasons for the appeal to the Director Student Services within 10 working days of being informed of the decision of the original appeal. The Director Student Services is responsible for convening a formal Complaints Committee after review of the existing material provided to the Director of Education.

Students who lodge an appeal must remain enrolled and attend all classes as normal until the process has been completed.

The Director Student Services (or nominated delegate) will acknowledge receipt of the appeal in writing within 5 working days and seek guidance from the Director of Education who will review the previous documentation and advise if a Complaints Committee should be convened. The Director of Education (or delegated nominee) will convene a session of the Complaints Committee and nominate a Chair to meet within 10 working days of the appeal being received.

The Complaints Committee members will be independent of the grievance and have relevant understanding or expertise. They will as soon as possible review the original decision and interview any persons related to the grievance. Students will be advised of any likely delays. If the Complaints Committee seeks clarification from the student(s) or the Respondent in the form of face-to-face interviews, both the claimant and/or Respondent(s) may be accompanied and assisted by a nominated support person, not being legal counsel or a solicitor, if so desired.

If the original decision is overturned, then the student's grievance is taken to be proven true and any further actions required to address the issue will be identified and implemented. The Director Student Services (or delegated nominee) will provide a written report to the student and / or respondent advising the outcome of the appeal and further steps taken to address the grievance within 28 days of the receipt of the appeal.

The Director of Student Services (or nominated delegate) will also provide an internal report on the process for College records, using the [Grievance Report Stage 3 Form](#). All records are retained for a period of 5 years.

## Composition of the Complaints and Decision Review Committee

Membership of the Complaints and Decision Review Committee will normally be 4-5 people and can include:

- A Chairperson, who must be an external member member of the College Council;
- One (1) Academic Board member;
- One (1) Academic Staff member (Higher Education); or
- One (1) Academic Staff member (VET);
- One (1) Student Representative (currently enrolled);
- Minute Secretary – Director Student Services.

Members shall be invited to sit on the committee by the Director Student Services (the standing Minute Secretary of this committee). On inviting members to sit on this committee, the Director Student Services will consider the nature of the complaint being reviewed and determine appropriate membership.

## Stage 4 - External Independent Review

### ***For Domestic students enrolled in a Higher Education or VET course***

If the claimant remains dissatisfied with the outcome of their appeal, they may consider an independent external review of the decision. If the claimant wishes to proceed to Stage 4 then they need to respond within 10 days of receipt of the final decision to the Director Student Services.

The College has arranged for such an external reviewer to be appointed by the Council for Private Higher Education (COPHE). Any costs incurred in the external review will be borne by the claimant.

On receipt of a written request for external review of the decision made in Stage 3 from a claimant, the Director Student Services will contact the Executive Officer of COPHE to arrange this appointment.

The Director Student Services will then contact the claimant and provide the contact details of the external independent reviewer along with the approximate costs of lodging an appeal. The claimant must lodge the application within 28 days of receiving a written notice of the final internal outcome.

COPHE will be provided with copies of the request and other documentation relating to the grievance, and will retain all documentation on file for a period of five years. The reviewer appointed by COPHE will be an appropriately qualified person (such as a retired academic, higher education administrator and/or practitioner) available to

carry out this role. All information provided to COPHE and the external reviewer will be treated as confidential. Within 30 working days of receipt of the grievance, the external reviewer will provide to the Director Student Services the written outcome of the review, together with any recommendations.

Within 20 working days of receiving the external review decision and recommendations, the Director Student Services will ensure that recommendations arising out of the external review are implemented, give the claimant comprehensive written advice about the outcome, and file all records in confidential storage for a period of 5 years.

If the claimant is not satisfied with a decision of the external reviewer that has implications for a FEE-HELP or VET FEE-HELP debt, the claimant has the right to apply to the Administrative Appeals Tribunal for a review of any decision that has been confirmed, varied or set aside under section 209-5 or 209-10 of the Higher Education Support Act 2003. The Director Student Services will provide to the claimant the contact details of the closest Administrative Appeals Registry and the approximate costs of lodging an appeal with the Administrative Appeals Tribunal (AAT).

Full details of the application process and fees payable are available on the AAT Registry's website: [www.aat.gov.au](http://www.aat.gov.au).

### **For International students enrolled in a VET, ELICOS or Higher Education course**

Overseas students who wish to lodge an external appeal or complaint against the outcome of the member's internal grievance process can contact the Overseas Students Ombudsman. For contact details and information please see [www.oso.gov.au/making-a-complaint](http://www.oso.gov.au/making-a-complaint).

By accessing the site above you will be required to fill in an online complaint form. The Overseas Students Ombudsmen's services are free of charge.

International students are required to refer to the [Complaints and Appeals Policy – International](#) for further information.

The College agrees to be bound by the independent external reviewer's recommendations. The Director of Student Services (or delegated nominee) will ensure that any recommendations made are implemented within 30 days of receipt of the external reviewer's report.



If a grievance still remains unresolved after the external dispute resolution process, the student may decide to lodge a complaint with the regulatory agency against the higher education or VET provider.

**Definitions:**

**Academic grievance** – a grievance about student academic progress, assessment, curriculum, the quality of course delivery, academic achievement in a course and awards in a course.

**Appeal** - An application to a higher authority for a decision to be reversed.

**Claimant** – refers to the person(s) who formally instigates a grievance, complaint or appeal.

**Complaint** – A statement that a situation is unsatisfactory.

**Formal grievance** – refers to the formal lodging of a written grievance, complaint or appeal.

**Grievance** – An official statement of a complaint over something believed to be wrong, which has resulted in what is believed to be by the claimant, unfair treatment.

**Informal grievance** – refers to a range of processes, such as discussion, a request or query lodged with an appropriate staff member.

**Mediator** – A person or body that intervenes between people in a dispute in order to bring about an agreement, resolution and/or reconciliation. The mediator may be internal or external to the College. ACPET may serve as the external mediator.

**Natural justice** – Natural justice refers to a due process that displays fairness to all parties. It includes the right to be heard, the right of reply, the right to be treated fairly and the right to be informed of allegation(s) being made.

**Non-academic grievance** – a grievance about operational or administrative matters within the College, unfair treatment, abusive behaviours, concerns about facilities, environment and safety.

**Respondent** – refers to the person(s) or institution against whom the grievance is lodged.

**Support Person** – the student is entitled to be supported by another person, not legal counsel or a solicitor, being willing to support, whom the student appoints to assist at any stage of the process

**Student** – is an individual person who is formally enrolled to study at the College. The individual person is that who appears on the College's documents such as enrolment, admission and payment documents, and who is assigned an individual student ID.

## Further Information:

**Related Policies:** [Assessment Policy – HE](#)  
[Assessment Policy - VET](#)  
[Grievance Policy](#)  
[Complaints and Appeals Policy - International](#)  
[Privacy Policy](#)

**Related** [Grievance Procedure](#)

**Procedures:**

**Related** [Formal Grievance Form](#)  
**Documents:** [Grievance Report Stage 2 Form](#)  
[Grievance Report Stage 3 Form](#)

**Supporting** Administrative Appeals Tribunal Jurisdiction List:  
<http://www.aat.gov.au/docs/JurisdictionList30June2014.pdf>  
**Research and**  
**Analysis:** VET Guidelines 2013 made under subclause 99(1) of Schedule 1A of the Higher Education Support Act 2003:  
<http://www.comlaw.gov.au/Details/F2012L02569>



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Version History			
Version	Date	Author	Details
0.1	07May10	H. Morrison	Original draft document
0.2	28May10	N Chaperon	Formatting; addition of form name in Related Documents – sent to Academic Board Executive
0.3	07Jul10	N Chaperon	Incorporation of Academic Board Exec feedback
1.0	16Aug10		Approved by College Council
2.0	13Dec10	H Morrison	Approved by Council Revised in regard to Feedback by DEEWR; Changed title of owner
2.1	07Feb11	H Morrison	Incorporated feedback for VET FEE-HELP; updated review date
2.2	14Apr11	N Chaperon	Updated in line with ESOS Legislation Amendment Bill & correction of Hotline contact
3.0	24Jun11		Approved by College Council
3.1	05Jul11	N Chaperon	Updated effective date
3.2	13Jun12	S Englart	New Logos in header & FIA included in college definition & footer; update of position titles; updates corresponding to changes to the Grievance Policy – Students and Clinic Clients; title change to correspond with Grievance Policy; updated

			flowchart
3.3	21Jun12	S Englart	Add that the support person must not be legal counsel or a solicitor and delete definition of advocate. Delete reference to international due to separate int procedure development.
3.4	5Oct12	J Osborne	Major Change: Stage 4 Independent External Review
4.0	25Oct12		Approved by College Council
1.0	12July13	C Smalbil	College changed to new version control system within Sharepoint (refer to The Source for further version history).