

## Grievance Procedures Relating to Non-Academic Matters

### 1. Preamble

- 1.1 This policy provides for grievances of a non-academic nature, that is, grievances which do not pertain to student progress, assessment, curriculum and awards in a course of study. This encompasses, but is not restricted to, perceived discrimination, effrontery to person or conscience, harassment, breach of privacy or vilification.
- 1.2 This policy also includes complaints in relation to personal information that Deakin College holds in relation to a student.
- 1.3 This policy specifies Deakin College's commitment to a harmonious, fair and just learning environment through processes that allow for grievances and complaints of a non-academic nature to be resolved in a timely manner.
- 1.4 This policy is underpinned by the principles of natural justice and procedural fairness, and emphasises the need to resolve the grievance as early as possible and as close to the source as possible. These grievances relate to matters of a non-academic nature. Deakin College also has in place a grievance policy for all academic related matters.
- 1.5 All complaints will be dealt with in a supportive environment without victimisation or intimidation of anyone connected with the complaint either during, or subsequent to, a complaint resolution process. The complainant and respondent will not be victimised or discriminated against in any of the stages set out in this policy.
- 1.6 The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other higher education provider policies or under law.
- 1.7 Administrative actions on the re-crediting and review of FEE-HELP decisions are not governed by this policy. Applicants are referred to the *FEE-HELP Review Procedure*.

### 2 Scope

This policy applies to all students regardless of the location of the campus at which the grievance has arisen, the student's place of residence or the mode in which they study. This policy also applies to persons seeking to enrol in courses of study at Deakin College.

### 3 Definitions

Key Term or Acronym	Definition
Academic matters	Matters which pertain to student progress, assessment, curriculum and awards in a course of study.
Appeal	A submission by a student for a review of a decision made by Deakin College of an academic or non-academic nature.
Appellant	A student who submits an appeal.
Complaint	An expression of dissatisfaction with any process, outcome or service provided by Deakin College.
Complainant	A person who formally makes a complaint.
Effrontery	Shameless or impudent boldness.
Grievance	A wrong, actual or perceived, considered as grounds for complaint.
Harassment	Persistent and unwelcome behavior which is offensive, belittling or threatening.
Deakin College Appeals	The final appeals body at Deakin College that considers appeals from students against any decision by Deakin College or DCi of an academic or non-academic nature.
Non-academic matters	Matters which do not pertain to student progress, assessment, curriculum and awards in a course of study but encompass such matters as perceived administrative procedural irregularity or unfairness, perceived discrimination, effrontery to person or conscience, harassment, breach of privacy or vilification.
Overseas student	A student on an overseas student visa.
Respondent	A person against whom an action is brought.
Victimise	To act or omit to act towards a person in a way which is intended to cause disadvantage to that person.
Vilification	Defamation, slander.
Working Day	Excludes Victorian and Australian public holidays and weekends.

#### **4 General Procedures**

- 4.1 This policy provides a complainant with up to four avenues at which a complaint may be addressed. There is no cost to the complainant in accessing any of the internal avenues set out in this policy. An external agency however, may choose to charge the complainant a fee for service.
- 4.2 An explanation of all decisions, outcomes and actions taken as part of the grievance procedure will be given to the complainant in writing.
- 4.3 The complainant and/or respondent have a right to a fair hearing and the right to be accompanied and/or represented at any stage by a support person.
- 4.4 Unless the complainant requests otherwise, all correspondence will be posted to the trimester address recorded on the official Deakin College student database.

#### **5 Stage One – Informal Resolution**

- 5.1 In the first instance, Deakin College encourages informal resolution as close to the source as possible. Therefore, complaints should be discussed as soon as possible with the person involved.

#### **6 Stage Two – Formal Grievance Procedures**

- 6.1 If informal resolution is impractical or inappropriate, or if the complainant is dissatisfied with its outcome, the complainant may make a written complaint to the Director Academic Governance and Integrity. There are no fees associated in submitting a complaint.
- 6.2 The Director Academic Governance and Integrity will address the complaint within 10 working days of its lodgment. At a minimum, this will consist of a written acknowledgement of the complaint.
- 6.3 Under the tenet of natural justice, where a grievance or complaint includes allegations concerning the conduct or actions of another student or a staff member (respondent), and the substance of those allegations is not minor in nature, the respondent will be immediately notified by the Director Academic Governance and Integrity. A respondent will have full knowledge of the nature and substance of the complaint. The respondent will be given an opportunity to respond to any allegations.
- 6.3 The complainant will be advised of the outcome in writing, including details of the reasons for the outcome.
- 6.4 Where this formal level does not lead to a resolution, or the complainant is not satisfied with the decision of the Director Academic Governance and Integrity, the complainant may proceed with the lodgment of an internal appeal.

## **7 Stage Three – Internal Appeal**

- 7.1 The appellant may make a written appeal to the Quality and Compliance Manager. There are no fees associated with submitting an internal appeal.
- 7.2 The authority responsible for considering and deciding on the internal appeal is Deakin College Appeals. Deakin College Appeals will proceed with an appeal within 10 working days of its lodgment. At a minimum, this will consist of a written acknowledgement of the complaint.
- 7.3 In addition to the preceding two sections and section 4.3 of this policy, the appellant may request to present his or her case in person to Deakin College Appeals. The appellant can call any persons as witnesses.
- 7.4 An outcome of the appeal will be advised by Deakin College Appeals in writing. Where the decision has been other than to uphold the appeal, Deakin College Appeals will advise the appellant of the reasons for the outcome and his or her right to access the external appeals process at minimal or no cost, as per section 8 of this policy.
- 7.5 For overseas students, if the appeal is against Deakin College’s decision to suspend or cancel a student’s enrolment, Deakin College will maintain the student’s enrolment until the internal appeal (if accessed) is complete and has supported its decision.
- 7.6 To ‘maintain a student’s enrolment’ applies to overseas students and affirms that Deakin College will not notify the relevant Australian Government agencies whilst the appeal is in progress.

## **8 Stage Four - External Agency for Grievances**

- 8.1 If an appellant has exhausted each of the preceding three avenues and is still not satisfied with the outcome, the complainant may request that the matter be dealt with through an external dispute resolution process. An overseas student may lodge a complaint with:

Overseas Students Ombudsman

GPO Box 442

Canberra ACT 2601

Tel: 1300 362 072

Email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

Email: <http://www.oso.gov.au/making-a-complaint/>

- 8.2 All other students may lodge a complaint with a relevant external agency. The Appeals Committee will advise a student on the appropriate external agency for dispute resolution with an external agency. Examples of external agencies include:

Consumer Affairs Victoria  
Level 17, 121 Exhibition Street  
Melbourne VIC 3000  
Tel: 1300 55 81 81  
Email: [consumer@justice.vic.gov.au](mailto:consumer@justice.vic.gov.au)  
Web: [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)

Dispute Settlement Centre Victoria  
4/456 Lonsdale Street  
Melbourne VIC 3000  
Tel: 9603 8370 or 1800 658 528 (toll free for regional callers)  
Email: [dscv@justice.vic.gov.au](mailto:dscv@justice.vic.gov.au)  
Web: [www.disputes.vic.gov.au](http://www.disputes.vic.gov.au)

Victorian Equal Opportunity & Human Rights Commission \*

Level 3, 380 Lonsdale Street  
Melbourne VIC 3000  
Tel: (03) 9281 7100  
Email: [complaints@veohrc.vic.gov.au](mailto:complaints@veohrc.vic.gov.au)  
[www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au)

\*Assists with the resolution of complaints of discrimination, sexual harassment and racial or religious vilification through a free and impartial complaint resolution service with the aim of achieving a mutual agreement.

- 8.3 If the external appeals body makes any recommendation in relation to an appeal, Deakin College will ensure that the recommendations are implemented immediately and advise the student of the outcome.

## 9 Confidentiality and Record Keeping

- 9.1 Deakin College will take all reasonable steps to ensure that information regarding any grievance will be disclosed only to those persons who have a right to the information by virtue of their role in the process.
- 9.2 Deakin College will keep records of a complaint after the complainant ceases to be an accepted student.
- 9.3 Once formal grievance procedures are invoked, details of allegations and investigatory notes will be kept in confidential files. These shall be kept separately from either the student or the staff member's personal file.
- 9.4 Where an allegation is proven, the outcome may be placed on that student's or staff member's personal file.

<b>Policy Title</b>	Grievance Procedures Relating to Non-Academic Matters	
<b>Policy Owners</b>	Quality and Compliance Manager	
<b>Contact Persons</b>	Mr Stase Kaintatsis (stasek@deakin.edu.au)	
<b>Key Stakeholders</b>	All current and prospective students of Deakin College.	
<b>Approval Body</b>	Deakin College Executive Committee	<b>Agenda item and meeting date approved</b> Agenda Item 10.1 Meeting 11-2013
<b>Relevant Legislation</b>	Disability Discrimination Act 1992. Education Services for Overseas Students Act 2000. Equal Opportunity Act 2010 (Vic). Higher Education Support Act 2003. The National Code of Practice for Providers of Education and Training to Overseas Students 2007 (the National Code 2007). Privacy Act 1988. Ombudsman Act 1976.	
<b>Related Policies</b>	Access, Equity and Equal Educational Opportunity Policy. Grievance Procedures Relating to Academic Matters. Student Code of Conduct. Deakin College Appeals – Terms of Reference.	
<b>Related Guidelines</b>	Administrative Information for Higher Education Providers: Student Support. Higher Education Provider Guidelines (HEP Guidelines).	
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