



THE UNIVERSITY OF  
**NOTRE DAME**  
A U S T R A L I A

# POLICY: STUDENT GRIEVANCE RESOLUTION [ACADEMIC AND NON-ACADEMIC MATTERS]

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<b>Purpose:</b>	To define the process and procedures for dealing with student grievances.
<b>Responsible Executive:</b>	Provost
<b>Responsible Office:</b>	Registrar's Office
<b>Contact Officer:</b>	Manager
<b>Effective Date:</b>	23 <sup>rd</sup> March 2007
<b>Modification History:</b>	Created: May 2004; revised November 2005; revised June 2006; revised March 2007 as per amendments to HEP Guidelines (approved by Academic Council 23 <sup>rd</sup> March 2007; DEST compliance approved 7 May 2007); NSW arbitrator details added 20 August 2007; AAT clarification note and grievance officer added 13 September 2007
<b>Last edited:</b>	13 September 2007; edited June 2008 (ID), edited July 2008 (ID); November 2008 (ID)

## **1. DEFINITION**

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A grievance is a problem, concern or complaint which relates to procedural matters of an academic or non academic or administrative nature.

Matters which are covered under the General Regulations of the University, and for which there are specific procedures, are not grievances for the purposes of this policy.

A “support person” shall mean a person nominated by the complainant and/or respondent to accompany the complainant and/or respondent to any meeting held in relation to the grievance. The support person may be a family member, friend, counsellor, etc and whose role is to support and assist the complainant and/or respondent.

## **2. ACCESS TO POLICY AND PROCEDURE**

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- 2.1 This policy is published on the University web site ([www.nd.edu.au](http://www.nd.edu.au)) and a hard copy is available on request at the Student Administration Office.

## **3. APPLICATION OF POLICY AND PROCEDURE**

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- 3.1 The grievance procedures and policies described in this document are available to students and prospective students of The University of Notre Dame Australia (“the University”), 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.
- 3.2 Each stage of the grievance procedure is free of charge.

## **4. GENERAL PRINCIPLES**

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- 4.1 The procedures outlined in this policy cannot be used, in the first instance, for a concern or complaint where there already exists separate University review, appeal or complaint procedures (such as the General Regulations).
- 4.2 This policy does not limit the right of any student to seek the assistance of an external person or agency for the resolution of a grievance. Should the grievance be referred to an outside body, the internal processes of the University may be suspended pending the outcome of the external review.
- 4.3 A grievance will be treated seriously, expeditiously, impartially and sensitively, with due regard for procedural fairness, confidentiality and privacy.
- 4.4 These procedures do not apply to conflict with other organisations, or with people other than students or employees of the University. However, if the grievance arises from a University context, the person affected will be assisted to access the appropriate complaint mechanism and provided with support.
- 4.5 Anonymous complaints will not be investigated.
- 4.6 No person will be victimised or discriminated against because s/he raises a complaint or is associated with a grievance.
- 4.7 Complaints that appear to be of a frivolous matter, or vexatiously or maliciously made, may not be investigated.
- 4.8 Any disadvantage that the complainant or any person associated with a grievance could suffer as a consequence of no action being taken in relation to a complaint, will be considered in the decision of whether or not to proceed with a complaint.
- 4.9 A grievance should be raised as early as possible after the incident relating to the complaint has occurred.
- 4.10 Unless there are exceptional circumstances, the complaint or grievance must be made within six [6] months of the action or outcome that has resulted in the complaint or grievance.
- 4.11 A grievance will be addressed as close as possible to the source of student dissatisfaction. This may be influenced by the nature of the complaint and the complainant's wishes. It is recognised that this is not always possible or appropriate.

- 4.12 Wherever possible, a grievance should be resolved by a process of discussion, cooperation and conciliation; that is, there shall be a desire by the parties involved to resolve the grievance in good faith.
- 4.13 Both the person raising a grievance (the complainant) and the person against whom a grievance is made (the respondent) will receive, in confidence, appropriate information, support and assistance in resolving the grievance from a Grievance Officer located on any campus of the University<sup>1</sup>.
- 4.14 The grievance officer cannot act as an advocate in resolving the complaint.
- 4.15 At all stages of the process, reasons and a full explanation in writing for decisions and actions taken as part of the procedure must be given if requested by complainant and/or respondent.
- 4.16 Confidentiality shall be observed by all participants and at all stages of the grievance procedure.
- 4.17 At any time during the grievance process, the complainant may withdraw their complaint by notification in writing to the Provost. Once withdrawn, the complainant cannot raise the matter again unless significant new information concerning the complaint is provided.
- 4.18 This policy is communicated to academic and general staff through the Office of the Provost and University website. The Office of the Provost is responsible for the training of academic and general staff in the application of this policy.

## **5. PROCEDURES**

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### **Step 1 (Preliminary action)**

- 5.1 Before initiating a grievance procedure, the complainant should try to resolve the problem directly with the person/s concerned, if appropriate.
- 5.2 Any staff member approached by a student with a problem that relates to his or herself or in relation to any function for which that staff member is responsible, will aim to resolve that grievance within 15 working days.

### **Step 2 (Initiating a grievance)**

- 5.3 Where the student, following her/his preliminary action, has not been able to resolve a problem, the matter should be taken up with the Manager of the relevant administrative office where the problem happened (non-academic matters) or the Dean (or delegate) (academic matters).
- 5.4 The Manager or Dean first determines whether the subject matter of the complaint constitutes a genuine grievance. This will normally involve a face-to-face interview with the complainant to hear the full details of the complaint. The student may request a support person as defined by this policy to attend with them. This stage will normally be completed within 15 working days of the grievance having been received.
- 5.5 If the grievance is considered frivolous, vexatious, lacking in substance, or does not come within the ambit of this policy, the Manager or Dean may choose not to proceed with the complaint. The complainant will be informed in writing of this decision and the reasons for it.
- 5.6 If the grievance is deemed as substantive, the person against whom the complaint is made will be informed of the allegations in writing by the Manager or Dean and provided with an opportunity to respond.
- 5.7 The Manager or Dean (or delegate) will continue to work on the grievance until a resolution that is satisfactory to all parties has been reached and will document the actions taken to resolve the complaint, including any findings made or agreements reached. The parties to

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<sup>1</sup> The names of grievance officers on each campus are appended and published on the University's website.

the complaint will be provided with a copy. This stage will normally be completed within 15 working days.

- 5.8 If the grievance is not resolved, all documentation will be forwarded by the Manager or Dean to the relevant grievance officer.

**Step 3 (Referring the complaint)**

- 5.9 If the grievance is not resolved, it may be referred in writing by the completion of a Grievance Resolution Request Form to a grievance officer. The complainant, the respondent, the Manager or the Dean, can make this referral.
- 5.10 The Grievance Resolution Request Form will provide a detailed statement of the grievance.
- 5.11 The grievance officer<sup>2</sup> will review the documentation to ensure that sufficient information has been provided to enable the grievance resolution process to progress.
- 5.12 A Grievance Resolution Request Form must be received by the grievance officer no later than three [3] months after the initiation of the grievance procedure.

**Step 4 (Internal review)**

- 5.13 The Grievance Resolution Request Form and supporting documentation will be referred to the Provost. The Provost will convene the Grievance Committee<sup>3</sup>, a sub-committee of the Discipline Committee.
- 5.14 The Grievance Committee will conduct a hearing and review the process used to make sure it was fair and proper and will interview the parties to the grievance prior to coming to any decision. The hearing, interview(s) and initial review will normally be completed within 15 working days of the grievance having been referred to the Provost.
- 5.15 The complainant and/or respondent has the right to request a support person (as defined in this policy) attend with them at a hearing of the Grievance Committee if they so desire.
- 5.16 The support person for the complainant and/or respondent may not be a person who was involved in, associated with, or alleged to have been involved in or associated with, the grievance alleged; or a qualified legal practitioner unless permitted by the Chair of the Grievance Committee.
- 5.17 The support person accompanying the student in any meeting regarding the grievance has no right to be heard at the hearing, except with permission of the Chair, and may be excluded by the Chair if he or she disrupts or unreasonably impairs the conduct of the hearing.
- 5.18 The complainant, the respondent and the Vice Chancellor will be notified in writing of the determination of the Grievance Committee with reasons and a full explanation of decisions and actions taken as part of the procedure.
- 5.19 Any complaint directed specifically against the Vice Chancellor, Senior Deputy Vice Chancellor, Deputy Vice Chancellor or Provost will be referred by the grievance officer to the University Chancellor or the Chancellor's nominee.

**Step 5 (External review)**

- 5.20 If not satisfied with a decision of the Grievance Committee, the complainant may request in writing to the Provost that the matter be dealt with through an external dispute resolution process by an independent person ("External Independent Appointee") appointed by the Provost.

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<sup>2</sup> The grievance officer will provide advice on the structure of the Grievance Resolution Request Form but not on the content. Once the Grievance Resolution Request Form is received, the Grievance Officer will issue a confirmation of receipt in writing to the student.

<sup>3</sup> The membership of the Grievance Committee is: Provost (Chair) or Deputy Provost, the Registrar (or delegate), the President of the Student Association (or delegate), the Executive Director of Admission & Student Services (or delegate). Other members may be invited at the discretion of the Chair.

- 5.21 The Provost must acknowledge receipt of the complainant's request to have the matter dealt with by an External Independent Appointee through an external dispute resolution process in writing within 5 working days and inform the complainant that, if the External Independent Appointee has not advised the applicant of a decision within 45 working days of receiving the application for review, the External Independent Appointee is taken to have confirmed the original decision of the Grievance Committee.
- 5.22 For Western Australia (Fremantle and Broome Campuses), the External Independent Appointee is Mr Terry Wilson, Assistant Director School Personnel Section, Catholic Education Office of Western Australia.
- 5.23 For New South Wales, (Sydney Campus) the External Independent Appointee is Carolyn Hadley, Education Officer, Human Resources, Catholic Education Office, Sydney.
- 5.24 International students unhappy about the quality of their course should firstly try to resolve the matter with the University. If the issue cannot be resolved they can contact the Department of Education, Science and Training (DEST) (NSW) or the Department of Education Services (WA) for information and advice to help them understand their rights and obligations. Contact details for these departments are listed in Appendix 3.
- 5.25 If an External Independent Appointee makes recommendations in relation to a grievance they have reviewed, the External Independent Appointee will forward those recommendations to the Provost within 45 working days. The Provost will ensure that the recommendations are implemented by the University within 15 working days.

## **6. CONFIDENTIALITY, ACCESSIBILITY AND RETENTION OF GRIEVANCE RECORDS**

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- 6.1 Records of grievances and their outcomes will be kept strictly confidential and filed in a separate file (not kept on the student or staff file) and stored in the Registrar's Office for a period of five years.
- 6.2 Such records will remain confidential and only parties to the complaint will be allowed supervised access to these records during this period.

## **7. RESORT TO EXTERNAL AGENCIES FOR DISPUTE RESOLUTION**

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- 7.1 Students are advised that a number of external agencies maybe able to assist them in the resolution of a dispute should they find that the above procedures do not address their concerns. Some of these agencies are as follows:
- (i) Ombudsman Western Australia (<http://www.ombudsman.wa.gov.au>)
  - (ii) NSW Ombudsman (<http://www.ombo.nsw.gov.au/>)
  - (iii) Equal Opportunity Commission (WA) (<http://www.equalopportunity.wa.gov.au>)
  - (iv) Anti-Discrimination Board of NSW (<http://www.lawlink.nsw.gov.au/adb>)
  - (v) Australian Human Rights and Equal Opportunity Commission (<http://www.hreoc.gov.au>)
  - (vi) Migration Review Tribunal (<http://www.mrt.gov.au>)
  - (vii) Administrative Appeals Tribunal (<http://www.aat.gov.au>)<sup>4</sup>
- \*note: the AAT reviews decisions relating to FEE-HELP only.

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<sup>4</sup> The Administrative Appeals Tribunal: details of costs can be found at <http://www.aat.gov.au/FormsAndFees.htm>. Contact details for the Administrative Appeals Tribunal are listed in Appendix 3.

## APPENDIX 1

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### MATTERS EXCLUDED FROM THE AMBIT OF THIS POLICY

Issue	Relevant University General Regulation (January 2007)
Appeal against a grade awarded for an item of assessment or the final grade for a unit	9.4
Termination of enrolment	5.2.4, 5.2.5, 5.3, 9.3
Misconduct; breaches of standard of conduct	Chapter 8
Violation of academic integrity	Chapter 8
Improper use of the internet	Chapter 8 and University Policy: Email and Internet Usage <a href="http://www.nd.edu.au">www.nd.edu.au</a>

**APPENDIX 2**

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**UNIVERSITY GRIEVANCE OFFICERS**

<b>Name:</b>	<b>Campus:</b>	<b>Telephone:</b>	<b>Email:</b>
Ms Sarah Luxton	Fremantle	(08) 9433 0521	<a href="mailto:sluxton@nd.edu.au">sluxton@nd.edu.au</a>
Ms Lynette Quince	Broome	(08) 9192 0602	<a href="mailto:lquince@nd.edu.au">lquince@nd.edu.au</a>
Mr David McLean	Fremantle	(08) 9433 0555	<a href="mailto:dmclean@nd.edu.au">dmclean@nd.edu.au</a>
Mr Anthony Crook	Sydney	(02) 8204 4400	<a href="mailto:acrook@nd.edu.au">acrook@nd.edu.au</a>

## APPENDIX 3

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### CONTACT NAMES AND DETAILS – EXTERNAL PEOPLE AND AGENCIES

#### ***Administrative Appeals Tribunal***

***[refer s7.1(i)]***

For WA based students, the Administrative Appeals Tribunal is located at:  
Level 5, 111 St Georges Terrace  
Perth WA 6000  
<http://www.aat.gov.au/Contact.htm>

For NSW based students, the Administrative Appeals Tribunal is located at:  
Level 7, City Centre Tower  
55 Market Street  
Sydney NSW 2000  
<http://www.aat.gov.au/Contact.htm>

#### **External Independent Appointees**

***External dispute resolution process - independent persons appointed by the Provost:  
(refer to s5.17, s5.19 and s5.20)***

#### **For Western Australia, Fremantle and Broome Campuses:**

Mr Alec O'Connell  
Assistant Director – People and Organisational Services  
Catholic Education Office of Western Australia  
Phone: (08) 9212 9212

#### **For New South Wales, Sydney Campus:**

Carolyn Hadley  
Education Officer, Human Resources  
Catholic Education Office, Sydney  
(02) 9568 8492

***Contacts for international student concerns:  
(refer to s5.21)***

#### **Department of Education, Science and Training**

For New South Wales based students:      ESOS Helpline (02) 6240 5069  
ESOS Fax (02) 6240 7789  
ESOS email: [esosmailbox@dest.gov.au](mailto:esosmailbox@dest.gov.au)

#### **Department of Education Services**

For Western Australian based students:      Western Australian Conciliator for Overseas Students  
Department of Education Services  
Ms Anne Duncan  
(08) 9441 1953

APPENDIX 4

Student Grievance Resolution Flowchart

