

GRIEVANCE POLICY (NON-ACADEMIC)

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| References and Legislation | National Codes of Practice for International Students (NCPIIS) Standard(s): Standard 8 |

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1 Context¹

This policy describes the principles and procedures that enable students to pursue non-academic grievances.

2 Scope

2.1 Rationale

UBSS is required to establish protocols and procedures for the handling of Non-Academic Grievances. This policy specifies UBSS's commitment to ensuring that students have access to processes that allow for grievances, disputes, problems and complaints of a non-academic nature to be resolved in a fair, efficient and effective manner.

The procedure set out in this document does not replace or modify procedures or any other responsibilities that may arise under other higher education provider policies or under statute or any other law.

2.2 Legislative Context

- The *Higher Education Support Act 2003* (HESA)
- The *Educational Services for Overseas Students Act 2000* (the ESOS Act)
- The National Code of Practice for Providers of Education and Training for Overseas Students (the National Code)

3 Definitions

| Item | Definition |
|-------------------------------|---|
| Non-Academic Grievance | A Non-Academic Grievance is any grievance that does not relate to academic matters. |

4 Scope

All students at UBSS or applicants seeking to enrol in a course of study at UBSS are entitled to access the grievance procedures set out in this policy, regardless of the location of the UBSS campus at which the grievance has arisen, the student's place of residence or the mode in which they study.

¹ See Appendix A for a list of policies consulted in this document.

This policy applies to any aspect of a student's experience at UBSS that is not specifically covered by another policy (Academic grievances).

The appeals policy (academic) will be governed by the principles of natural justice or procedural fairness. This requires a procedurally fair hearing and unbiased decision being made. All parties to the complaint must be afforded this.

The following general principles will apply to all stages grievance resolution processes:

- Confidentiality will be adhered to at all times, with information shared only when this is necessary to investigate a grievance in accordance with these principles, and then only on the basis that the person to whom it is imparted is bound by confidentiality;
- All formal complaints and appeals will be acknowledged in writing;
- Students will be informed in writing of decisions, with a full explanation for reasons for the decision and information on further avenues of resolution including external bodies;
- All staff involved in resolving an academic appeal by a student have a duty to observe the principles of procedural fairness², which include (but not limited to) the following elements:
 - (i) the right of the student to a fair hearing and the right of all parties involved to be heard;
 - (ii) the right not to be discriminated against because of the appeal;
 - (iii) if an appeal or grievance escalates, it cannot be dealt with by any person previously involved with the grievance or appeal;
 - (iv) the right of the student to be accompanied by a support person;
 - (v) all parties must have full knowledge of the nature and substance of the appeal;
 - (vi) the right to an independent decision maker; and

the decision is based solely on the relevant evidence with all submissions considered. For more detail on procedural fairness please see **Appendix B**.

4.1 Policy Dissemination and Staff Training

This policy is published in a public area - UBSS's website: www.ubss.edu.au - and is therefore accessible by all staff, students and other stakeholders.

The **Executive Dean** is responsible for training academic staff in the application of the policy and for verbally explaining the policy to students.

5 Procedure³

Current or prospective students in any accredited higher education course at UBSS have access to a procedure through which a non-academic complaint may be addressed. Each step in the procedure

² See Appendix B for a detailed definition

³ If students prefer to make a complaint in a language other than English, then they can call the Translating and Interpreting Service (TIS) on 131 450 or visit this link for more information see www.tisnational.gov.au.

is free of charge. However, any external agency, counsel or consultant engaged by the complainant may choose to charge the complainant a fee for their service.

Before any process is begun, the complainant should liaise with the staff member concerned within 20 working days of the occurrence and discuss/negotiate their concerns with a view to arriving at a mutually agreeable resolution.

The staff member must communicate their decision to the complainant within 10 working days of the initial grievance. If the complainant does not wish to use the informal approach, or does use that approach but is not satisfied with either the outcome or the time taken to resolve the issue, they can proceed as follows:

Official Complaint. If not using the informal approach, the complainant can lodge an official complaint in writing within 10 working days of the grievance event. If the complainant has used the informal approach but is dissatisfied with the outcome, they can lodge an official complaint within 10 days of the staff member issuing their decision in the informal procedure. Details including their student ID number and documentation to support their claim should be included with the official complaint.

Evaluation. Within 10 working days, the **Executive Dean** or delegate must evaluate the official complaint, holding meetings with the complainant if necessary, and notify the complainant of the outcome in writing via their student online account.

Appeal. Students dissatisfied with the result of the evaluation may request that the matter be dealt with by an independent, external third party.

International Students can take their appeal to the Commonwealth Ombudsman

<https://www.ombudsman.gov.au/>

UBSS must implement all recommendations arising out of the External Appeal within any timeframe specified. When a timeframe is not specified, recommendations are implemented within 10 working days of receipt of the External Appeal decision.

5.1 Victimization or Discrimination

The complainant and respondent must not be victimised or discriminated against in any stage of the procedure set out in this policy.

5.2 Representation by Third Party

The complainant and/or respondent have the right to be represented by a third person (such as a family member, friend, counsellor or other professional support person). In such case, the person using a representative should give notice to the other parties involved.

5.3 Record of Grievance and Confidentiality

Records of all grievances and applications for review of decisions must be kept and be accessible to all interested parties for a responsible amount of time. Such records must be kept confidential.

6 Document Change Control

| Version | Change Description | Date | Author |
|---------|--|---------------|----------------------------------|
| v12 | Refreshed format | November 2017 | Professor Ian Bofinger |
| V12.1 | Change of review date | June 2018 | Jotsana Roopram |
| V13 | Refreshed and new review date embedded | August 2019 | Professor Ian Bofinger |
| V13.1 | Internal formal complaint contact added students provided with a 20 day complaint period | January 2020 | Emeritus Professor Greg Whateley |
| V14 | Change of review date Commonwealth Ombudsman details updated | March 2021 | Anurag Kanwar |
| V15 | Remove Dean New section added on procedural fairness and footnotes Appendix A added and Appendix B | August 2022 | Anurag Kanwar |
| V16 | Position names and Branding update | December 2023 | Nupur Chanda |

Appendix A

The following policies were consulted in the creation of this document.

| Institution | Name of Policy | Link | References to Procedural Fairness | TEQSA Registration Status |
|------------------------|---|---|-----------------------------------|--|
| Sydney University | Resolution of Complaints policy | https://www.sydney.edu.au/policies/showdoc.aspx?recnum=PDOC2015/407&RendNum=0#:~:text=(1)%20The%20University%20must%20address,process%20as%20soon%20as%20practicable. | Y | Self accrediting status |
| Kaplan Business School | Grievances Complaints and appeals handling Policy | https://www.kbs.edu.au/documents/grievances-complaints-and-appeals-handling-policy | Y (not defined) | 7 years no conditions |
| Top Education | Student Complaints and Appeals Policy | file:///H:/Downloads/Student%20Complaints%20and%20Appeals%20Policy%20(1).pdf | Y (not defined) | 7 years no conditions, partial self accrediting status |
| PIA | Student Grievance Handling Policy and Procedure | https://docs.pia.edu.au/Documents/Policies%20and%20Procedures/Student%20Grievance%20Handling%20Policy%20and%20Procedure%20v3.5.pdf | N | 7 years with conditions |

Appendix B

Procedural Fairness (natural justice)

Procedural fairness is also known as 'Natural Justice'. Both terms are used interchangeably. It requires a procedurally fair hearing and an unbiased decision being made. All parties to a complaint (complainant and respondent) must be afforded natural justice.

<https://www.alrc.gov.au/publication/traditional-rights-and-freedoms-encroachments-by-commonwealth-laws-alrc-report-129/14-procedural-fairness-2/procedural-fairness-the-duty-and-its-content/> see also <https://www.bartier.com.au/insights/articles/whats-involved-in-making-a-fair-decision-natural-justice-or-procedural-fairness/>

So what does this mean in practice?

There are three main components

- The opportunity to be heard
- There is no bias and
- The decision must have some basis in fact or reasoning.

The right to be heard

A person must be given a reasonable opportunity to present information before a decision is reached that might adversely affect them. This might include the following elements:

- the right to know the purpose of the particular decision making process and the consequences that flow from it
- the right to know the way in which the issues will be determined
- the right to be fully informed of the allegations and of any other information which will be taken into account in making a decision
- the right to have a reasonable opportunity to respond to the allegations and any other information that will be taken into account in making a decision
- the right to an appeal.

The right to be treated without bias

When UBSS is assessing your academic performance or application, investigating an allegation which has been made against you, or evaluating and weighing up evidence, the decision-maker must act, and be seen to act, impartially and without bias.

The decision-maker, should not:

- have a close personal or family relationship with any parties who have an interest in the outcome;
- have a direct or indirect financial or other interest in the outcome of the decision
- be a person with a closed mind or pre-conceived ideas about the outcome.

There are a number of safeguards to ensure impartiality. For example, potential conflicts of interest and bias should be declared prior to any deliberation on a decision

If a decision-maker becomes aware of some fact or previous judgement that may cause a party to perceive a bias, this should be declared to all interested parties. A decision must then be made by an appropriate person to determine whether any apparent bias exists, and whether it is sufficiently able to be managed, or whether a new decision-maker needs to be appointed.

An applicant must not be treated unfavourably compared to others—the criteria a decision is based on should be published or made available to interested parties beforehand, and the same criteria must be applied across the board.

It is insufficient to declare a decision-maker may have a bias because you ‘think’ the decision-maker might make an adverse decision against you. If you believe that a decision-maker may have a pre-conceived view which will affect his/her impartiality, it is your responsibility to raise this in your appeal and explain (with evidence) why you hold this view.

A decision must be based on relevant information.

This means that the findings of an investigation, or the assessment of an application, needs to be based on evidence which is persuasive, sufficient to answer the critical questions, and reliable. Mere suspicion about something is not an acceptable foundation for a decision.

A decision-maker, should only take into consideration information that is relevant to the decision to be made, and all irrelevant information should be disregarded. Reasons should also be provided as to why a particular decision has been made.