

## Non-Academic Grievance Policy

This policy has been approved by the Governing Board of the College. It is published on the College web site ([www.moore.edu.au](http://www.moore.edu.au)) and a reference to it is set out in the *Student Handbook*. The policy is communicated to academic and support staff through the College's faculty and staff intranet. The Academic Dean is responsible for the training of academic staff in the application of the policy. The Registrar is responsible for the training of support staff in its application.

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.

A non-academic grievance arises from an event occurring in the life of the College, or a decision made by the College, in which the complainant perceives lack of procedural fairness and/or negative discrimination and/or an affront to person or conscience, which does not arise from the complainant's academic performance or potential.

This policy is intended to cater for non-academic grievances that are not restricted to and may encompass any of the following:

1. Harassment, sexual or otherwise, and/or vilification of a student enrolled in a course of the College by another student or member of the College faculty or Administrative staff;
2. Being refused enrolment or progression or graduation in a course of the College on the grounds of gender, colour, race or country of origin;
3. The claim that a student enrolled in a course of the College has an unpaid financial obligation to the College;
4. Dispute about entitlement of a student or person to FEE-HELP payments;
5. Exclusion from a course of the College or from progression or from graduation in that course; or
6. Complaint arising from the use of personal information provided by a student.

The policy provides any student enrolled in an accredited higher education course of the College with three stages at which a complaint may be addressed. They are:

1. The student may take the complaint to any of the following:
  - a. The Registrar;
  - b. The Dean of Students; or
  - c. The Academic Dean.

Mindful of the nature of the complaint it must be dealt with in a reasonable time, and at any rate within 21 days of receipt of the complaint, and where possible handled within the context of the pastoral relationship between the student and the person to whom the complaint is made.

2. If unsatisfied with the response to the complaint or the time taken to resolve the matter, the student may submit the complaint in writing to the Registrar and explicitly seek the involvement of the Non-academic Grievance Committee.
3. If not satisfied with a decision of the Non-academic Grievance Committee, and only then, the student may request the Principal for the matter to be dealt with through an external dispute resolution process by the person appointed by the College for that purpose.

The College's Non-academic Grievance Committee will consist of:

1. A member of the Governing Board of the College (Paul Hopwood – as chairman);
2. The Dean of Students;
3. The Academic Dean; and
4. A member of the College's External Academic Advisory Committee (Prof. Trevor Cairney)

Where a member of the Committee is a respondent in a complaint that member's place will be taken by a person of equivalent qualifications to be appointed by the Principal

The Governing Board of the College has appointed a person independent of the College<sup>1</sup> with dispute resolution experience as the Review Officer of decisions made by the Non-academic Grievance Committee of the College. The Governing Board must ensure that the review officer does not review a decision the officer was involved in making.

The Non-academic Grievance Policy is designed for the review of the consistency of decisions reached by the College Non-academic Grievance Committee with the College's published Non-academic Grievance Policy.

The task of the Review Officer is to review the consistency of the decisions of the Non-academic Grievance Committee with the published Non-academic Grievance Policy of the College.

Nothing in this policy negates the right of any student (Australian or overseas resident) to take action under Australia's consumer protection laws in the case of financial disputes. This Policy does not circumscribe the student's right to pursue other legal remedies.

All staff involved in resolving a complaint have a duty to observe the principles of natural justice, which involve the following elements:

- the right of the student (complainant) to a fair hearing;
- the right of the student (complainant) or any respondent to attend hearings with a friend or support person, if desired, provided the person is not a practising solicitor or barrister;
- the opportunity for all parties involved to be heard;
- the respondent having full knowledge of the nature and substance of the grievance;
- the complainant not determining the outcome, but may be a party to it;
- the right to an independent, unbiased decision-maker; and
- a final decision that is based solely on the relevant evidence with all submissions considered.

Policy:

1. Any student enrolled in an accredited higher education course of the College has the right to lodge a complaint with the Non-academic Grievance Committee and to seek a review of the decision of that committee.
2. Where a complaint is dealt with under the first stage of this policy (see above) The Registrar, The Dean of Students or The Academic Dean must give reasons and a full explanation in writing for decisions and actions taken as part of the procedures if requested by the complainant and/or respondent.
3. Where a student is unsatisfied with the handling of a complaint under the first stage of this policy (see above), and wishes to seek the involvement of the Non-academic Grievance Committee, such complaints must be submitted in writing to the Registrar and explicitly seek the involvement of the Non-academic Grievance Committee.
4. The Registrar must acknowledge receipt of a complaint in writing within one week.
5. The complainant and/or respondent must not be victimised or discriminated against in any of the three stages set out in this policy.
6. If attempts at mediation have failed under the first stage of this policy (see above), the Non-academic Grievance Committee must address a complaint within 1 calendar month of the receipt by the Registrar of the written complaint;
7. The complainant must be given the opportunity to appear before the Non-academic Grievance Review Committee. Any costs incurred by the complainant in attending such appearance must be born by the complainant.
8. An impartial observer, agreeable to both the Principal and the complainant will be permitted (if the complainant and/or respondent requests) to attend the proceedings. This observer will normally be drawn from the faculty of a college affiliated with the Council of Private Higher Education (COPHE) Inc.
9. The complainant and/or respondent have the right to be represented by a third person (such as a family member, counsellor or other professional support person) if they so desire, but not to legal representation.
10. The Non-academic Grievance Committee must give reasons and a full explanation in writing for decisions and actions taken as part of the procedures if requested by the complainant and/or respondent.

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<sup>1</sup> Currently the Review Officer is Bruce Burgess, Mediator/Solicitor, 13 Ivanhoe Rd, Croydon NSW 2123, the same person appointed to provide mediation services under the College's External Dispute Resolution Policy required under the ESOS Act.

11. The complainant must be informed in writing that the College has a process by which the decision can be reviewed externally. In the event that the Non-academic Grievance Committee's decision does not resolve the issue, the complainant may seek an external review by the independent Review Officer appointed by the Governing Board of the College within three months of the initial decision being communicated in writing.
12. All complaints and decisions reached by the Non-academic Grievance Committee must be reported annually by the Principal to the Governing Board.
13. Applications for the review of a decision of the Non-academic Grievance Committee must be submitted in writing to the Registrar and explicitly state that a review of a decision of the Non-academic Grievance Committee is sought.
14. In relation to FEE-HELP the Registrar must acknowledge receipt of an application for a review of a decision and inform the applicant in writing that, if the Review Officer has not advised the applicant of a decision within 45 days of receiving the application for review, then the Officer is taken to have confirmed the original decision.
15. The decision of the Non-academic Grievance Committee meeting(s) at which the decision was originally made and all tabled documents dealing with the grievance must be forwarded to the Review Officer.
16. Records of all grievances and applications for review of decisions must be kept and be accessible to all interested parties for a period of five years. Such records must remain confidential.
17. The Review Officer must give reasons and a full explanation in writing for decisions and actions taken as part of the procedures if requested by the complainant and/or respondent
18. If the Review Officer makes recommendations in relation to a grievance he has reviewed, the Review Officer will forward those recommendations to the Registrar within 21 days who will ensure that the recommendations are implemented within one calendar month.
19. In relation to FEE-HELP the Review Officer must inform applicants of their right to apply to the Administrative Appeals Tribunal for a further review of the decision; and provide the contact details of the nearest Administrative Appeals Tribunal Registry, and the approximate cost of lodging an appeal with the Tribunal.
20. All reviews undertaken by the (external) Review Officer and their outcomes must be reported annually to the Governing Board of the College.

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Registrar

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