

Student Grievance Procedure

Policy Code: CG1091

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Purpose

To provide a clear and fair process for the reporting and resolution of grievances.

Scope

This procedure applies to all students and staff of the University in relation to the investigation and settlement of grievances in all University activities, including University-run volunteer activities. A grievance may be made by a student against another student, or against a staff member.

This procedure does not apply if the subject of the grievance relates to:

- a matter covered by alternative formal review, appeal, grievance or other dispute settling procedures; or
- the outcome of a merit-based selection process; or
- a decision of the University Council; or
- the content of approved policies or legislation of the University; or
- decisions of any Student Discipline, Review or Appeal Committee established in accordance with University policy or legislation; or
- decisions of the Vice-Chancellor or Committee which are stipulated as final in University policy or legislation.

Definitions

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Term	Meaning
Advocate:	<p>Means a third party who represents the Complainant or Respondent during the Informal or Formal Procedure in accordance with the right of international students or students with a disability to an advocate, but who is not legally trained.</p> <p>An Advocate is not the same as a Support Person, which all Complainants / Respondents are entitled to have; the attendance of an Advocate is only permissible for international students or students with a disability. Students should contact the Student Advisory Service for further information.</p>
Bullying:	<p>Means repeated, unreasonable behaviours directed towards a student or a group of students that creates a risk to health and safety, including but not limited to:</p> <ul style="list-style-type: none"> • Abusive, insulting or offensive language; • Behaviour or language that frightens, humiliates, belittles or degrades; • Teasing or regularly making someone the brunt of practical jokes; • Spreading gossip, rumours and/or innuendo; • Deliberately excluding or isolating a person from normal work and/or study activities; • Tampering with personal effect or study equipment; • Intimidating someone through inappropriate personal comments, belittling opinions or unjustified criticisms; • Overloading a person with tasks outside the scope of the course description; • Setting timelines outside the scope of the course description that are difficult to achieve or constantly changing deadlines; • Setting tasks that are unreasonable or beyond a person's ability and outside the scope of the course description; • Deliberately isolating a person or ignoring them; and/or • Deliberately denying access to information relevant to the person's studies.
Complainant:	<p>Means the student lodging the Grievance.</p>
Discrimination:	<p>Means unfair or less favourable treatment based on the following actual or assumed personal characteristics as defined under Commonwealth and State laws:</p> <ul style="list-style-type: none"> • sex; • gender identity; • marital status; • pregnancy; • breastfeeding; • status as a parent or carer; • sexual orientation; • lawful sexual activity; • race; • disability; • age; • industrial activity; • physical features; • religious beliefs or activities; • political beliefs or activities;

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Term	Meaning
	<ul style="list-style-type: none"> • criminal record; • medical record; or • personal association with a person who has, or is assumed to have, one of these personal characteristics. <p>This definition includes direct and indirect discrimination.</p>
Direct discrimination:	Occurs if a person is treated less favourably than another person would be treated in the same or similar circumstances, on the basis of an attribute as listed above.
Grievance:	Means a complaint of a behaviour or action which has or is likely to have an unreasonable negative impact on the student in relation to their studies and/or University life, including bullying and/or discrimination.
Indirect discrimination:	Occurs if there is an requirement, condition or practice that is unreasonable and that people with a particular attribute cannot meet.
International Student:	Means a person holding an Australian student visa, enrolled in a CRICOS registered course, as a student of the University, studying on shore in Australia.
Investigator:	Means a person independent of the parties to the Grievance, who is appointed by the University to investigate the facts of the Grievance.
Mediation:	Means an informal dispute resolution process, where the parties are attempt to reach a mutually agreeable solution with the assistance of a neutral third party.
Party:	Means the Complainant, Respondent, and/or other persons involved in the complaint or resolution process.
Principles of Natural Justice:	<p>Means general procedural fairness in the handling of a Grievance that involves all the following elements:</p> <ul style="list-style-type: none"> • the right to a fair and unbiased hearing; and • notice of the potential for an adverse decision; and • the right to attend hearings with a friend or support person, if required; and • the opportunity for all parties involved to be heard; and • genuine consideration by the decision-maker of any submissions made; and • genuine inquiry into any areas of dispute; and • the Respondent having full knowledge of the nature and substance of the Grievance; and • the Complainant not determining the outcome, but may be a party to it; and • the right to an independent, unbiased decision-maker; and • a final decision that is based solely on the relevant evidence.
Partner provider:	Means a third party provider who has entered into an agreement with the University to deliver all or part of a course or program to students.
Respondent:	Means the person(s) against whom the Grievance has been lodged.
Senior Management:	Means the Vice-Chancellor, Deputy Vice-Chancellors and Directors.
Staff member:	Means any person who is an employee of the University at the time of the Grievance. This includes full-time, part-time, sessional or casual staff.
Student:	Means any person enrolled as a student of the University. This includes full-time, part-time, block-mode or distance education students, and those enrolled at partner providers.

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Term	Meaning
Student Grievance Officer:	Means nominated staff members within each Faculty, Portfolio or Partner Provider. Refer to the Legal – Grievances and Complaints website for a full listing of available Student Grievance Officers.
Support person:	Means a non-legally trained observer who accompanies the Complainant or Respondent during any stage of the Procedure.
University Grievance Officer:	Means a staff member appointed by the Vice-Chancellor.

Support person

All students have the right to a support person during any stage of the [Student Grievance Procedure](#). A support person is only an observer who shall not speak unless invited by the individual responsible for conducting the relevant stage of this procedure.

Right to an advocate

Students enrolled as international students of the University, and domestic students whose capacity for self-advocacy is impaired because of disability, have the right to a non-legally trained advocate of their choosing during the stages of the procedure. An Advocate may represent the case on behalf of these students.

Senior management

If a Grievance is against a member of the University's Senior Management, the matter will be taken directly to the University Grievance Officer, who will refer the matter to the Chancellor.

The Chancellor, after consultation with the Vice Chancellor or a Deputy Vice Chancellor, will have discretion as to the appropriate procedure to be used in determining whether a grievance has substance and the appropriate process within the spirit of this procedure for settling the complaint.

Confidentiality

All persons associated with this Procedure, at any stage, are required to maintain confidentiality and only discuss the Grievance with those who have responsibility for dealing with the Grievance. This responsibility applies equally to all persons associated with this Procedure, including the Complainant. Failure to maintain confidentiality may result in disciplinary action.

Protected disclosures within the meaning of the [Protected Disclosures Act 2012](#) must be made to the [Independent Broad-based Anti-Corruption Commission \(IBAC\)](#). Further information regarding protected disclosures can be found in the University's [Protected Disclosures Procedure](#).

All Parties to the Grievance procedure are entitled to confidentiality and will not be subject to reprisals for participating in an investigation under this Procedure.

Stages

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Stage 1: Preliminary action

Before initiating the following procedures, students are expected to attempt to settle any Grievance directly with the person(s) concerned, as early as possible after the issue that is the subject of the Grievance has arisen. At any time while trying to settle the Grievance, a Complainant or Respondent may consult confidentially with anyone they choose, including the Education Manager, Head of School, a [University Counsellor](#), the [Student Advisory Service](#), or the [Equity and Equal Opportunity Office](#) (if the case involves discrimination), and may seek advice from the University Grievance Officer.

Stage 2: Initiating a grievance

1. In the first instance, Complainants should contact the relevant Student Grievance Officer for a verbal discussion of their Grievance. Contact details for Student Grievance Officers can be obtained by consulting the University's [Legal website](#).
2. If the Complainant wishes to invoke a formal investigation in accordance with Stage 5 of this Procedure, he or she must complete the Grievance Lodgement form available from the University's [Legal website](#) and submit it to the University Grievance Officer.

Note: Any person who lodges a Grievance for frivolous, false or vexatious reasons may be subject to disciplinary action.

Stage 3: Informal investigation and resolution procedure

1. This stage of the [Student Grievance Procedure](#) will not normally be invoked unless the Complainant has attempted to settle the Grievance directly with the Respondent, as outlined in Stage 1.
2. A Complainant may refer the Grievance to a relevant Student Grievance Officer for settlement of the Grievance.
3. To commence the Informal Procedure, the Complainant must provide the following information **in writing** to the relevant Student Grievance Officer:
 - a. A clear statement of the Grievance, including the parties to the Grievance; and
 - b. A process for trying to settle the Grievance, which will be considered by the Student Grievance Officer; and
 - c. A suggested solution which the complainant believes would settle the Grievance. This solution must focus on achieving a productive study environment or relationship, rather than apportioning blame.
4. Within 5 working days of receipt of the Grievance, the Student Grievance Officer will provide acknowledgement of the Grievance to the Complainant.
5. If the Grievance contains elements of discrimination, the Student Grievance Officer will consult with the Manager, Equity and Equal Opportunity.
6. Within 10 working days of receiving the notification of the Grievance, the Student Grievance Officer will determine whether the subject matter falls within the definition of a Grievance, based on the available information.
7. If the Student Grievance Officer determines that it is in fact a Grievance, they will:
 - a. Gather such other information as required to assist with the settlement of the Grievance, including providing the Respondent with a statement of the Grievance and the opportunity to respond; and
 - b. Attempt to settle the Grievance by:
 - i. using the process outlined by the Complainant for settlement, if appropriate, through discussion, meetings, or counselling; or
 - ii. referring the Grievance to the Faculty Executive Dean or Portfolio Director, if appropriate.
8. After the Conclusion of the Informal Procedure, the Student Grievance Officer will write to both the Complainant and Respondent indicating the outcome of the process and specifying any action that has been agreed by the parties as part of that process. At this point, the Student Grievance Officer will also provide written notice to the

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Complainant and Respondent of their right to proceed to mediation (stage 4) or a formal investigation (stage 5) if they are unhappy with outcome of the informal procedure.

Where it is determined that the subject matter falls outside the definition of a grievance, the Student Grievance Officer will advise the Complainant accordingly. The Student Grievance Officer may dismiss a Grievance if, in their view, the Grievance is ill-advised, misguided, frivolous, malicious or vexatious.

Stage 4: Mediation

1. Complainants and/or Respondents who are not satisfied with the outcome of the informal procedure **may** seek mediation by submitting a request to the relevant Student Grievance Officer.
2. Upon receipt of a request to proceed to mediation, the Student Grievance Officer (in conjunction with the University Grievance Officer and, where discrimination is involved, the Manager Equity and Equal Opportunity) will make a judgment about whether mediation is practicable and appropriate, and secure the agreement of all parties to the complaint to the use of mediation (noting that the use of mediation does not necessarily imply there is a case to answer).
3. The Student Grievance Officer will advise students of their right to lodge a formal grievance to be investigated in accordance with Stage 5 of this Procedure if:
 - a. mediation is deemed not to be an appropriate course of action; or
 - b. the agreement of all parties is not forthcoming.
4. The Student Grievance Officer will negotiate the appointment of an independent qualified mediator with the parties concerned where mediation is to proceed. The mediator will be a University staff member (who has undertaken mediation training courses or holds appropriate legal qualifications), unless the University Grievance Officer believes the circumstances warrant the appointment of a qualified external mediator.
5. The Student Grievance Officer will forward a copy of the complaint to all parties and the mediator.
6. The parties will be given an opportunity to present their case and the mediator will assist the parties to reach a mutually agreed resolution.
7. All parties to the mediation may be accompanied by a Support Person (other than a legal representative) during the mediation process.

Stage 5: Formal investigation

1. This stage may be invoked in any of the following ways:
 - a. The matter has previously progressed through Stages 1, 2 and 3 of this Procedure, and settlement of the Grievance has not been achieved for any reason, including as a result of a determination by the relevant Student Grievance Officer that the subject matter falls outside the definition of a Grievance or as a result of the Grievance being dismissed under Stage 3 of this Procedure. A party may seek settlement of the Grievance through a formal investigation by lodging a Grievance Lodgement Form [\[link\]](#) with the University Grievance Officer. A party is not required to proceed to mediation prior to invoking a formal investigation. The formal investigation must be invoked within 5 days of the date of the Student Grievance Officer notifying the parties of the outcome of the informal procedure (Stage 3), unless the complainant has the written consent of the University Grievance Officer.
 - b. Where the matter has progressed to mediation under Stage 4 of this Procedure (whether successfully resolved or not).
 - c. The University Grievance Officer may, at his or her discretion, initiate a formal investigation at any time.
2. Within 10 working days of receipt of the Grievance Lodgement Form or a request from the University Grievance Officer, the Vice Chancellor must appoint an independent investigator to determine the matter. If the Grievance contains allegations of discrimination, the University Grievance Officer will notify the Manager, Equity and Equal Opportunity. In such cases, the University Grievance Officer, in consultation with the Manager, Equity and Equal Opportunity, will determine if interim arrangements are required for the parties during the investigation

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and, if needed, will negotiate these with the appropriate University staff. The University Grievance Officer and Manager, Equity and Equal Opportunity will also agree on the appropriate communication processes to be applied during the investigation.

3. The Investigator will, within 15 working days of appointment:
 - a. Gather information from the Complainant, Respondent and any other persons he or she considers necessary;
 - b. Seek any further information he or she considers necessary;
 - c. Conduct the investigation in accordance with the principles of natural justice;
 - d. Determine whether the Grievance is justified; and
 - e. Recommend (in writing) to the Vice Chancellor appropriate action, including but not limited to: counselling for either or both parties, conciliation of the Grievance, disciplinary action, administrative review, remedial action or no further action.
 - If, in the Investigator's view, the Grievance is ill-advised, misguided, frivolous, malicious or vexatious, the Vice Chancellor will advise the Complainant and other parties as appropriate in writing of this finding, and the reasons for it. Where appropriate the Vice Chancellor will take action in accordance with relevant disciplinary provisions against the Complainant.
4. On receipt of the Investigator's report, the Vice Chancellor will:
 - a. Take such action as the Vice Chancellor deems appropriate; and
 - b. Notify in writing both the Complainant and Respondent of the outcome of the process, the reasons for the decision and specify any action to be taken.
5. The decision of the Vice Chancellor is the final step in the University's internal Grievance procedure and is not open to challenge via any other dispute resolution mechanism within the University.

Stage 6: External review

Complaints about the administrative actions and decisions of the University can be made to the Victorian Ombudsman. Refer to the [Ombudsman Victoria website](#) for further information. Students studying in another State may make a complaint to the equivalent office in that State. Students may also access other external organisations such as the Victorian Equal Opportunity and Human Rights Commission and the Australian Human Rights Commission.

The Ombudsman is generally the office of last resort. If you have not followed the steps laid down in the relevant University procedures, the Ombudsman may ask you to do so before accepting your complaint.

Responsibility

All students and staff are expected to conduct themselves in a manner which respects the rights and welfare of other members of the University and to show competence, care, good faith and compliance with instruction, policies and procedures throughout their association with the University.

All staff are responsible for ensuring the proper handling of complaints by students and to refer students to this Procedure, if it appears that a student may have a Grievance.

Student Grievance Officers are responsible for trying to actively settle Grievances promptly and at the earliest possible stage of this Procedure. Student Grievance Officers must actively seek the advice of the University Grievance Officer and the Manager, Equity and Equal Opportunity, where appropriate. All Student Grievance Officers should be willing and able to assist with any queries relating to the [Student Grievance Policy](#) or Procedure, including providing a verbal explanation of these documents.

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It is the Complainant's responsibility to raise the issue(s) of the Grievance as soon as reasonably possible with the other party or parties, and agree to be involved in settling the issue prior to making a formal complaint. The University reserves the right to initiate, refuse to initiate or end a formal investigation at its discretion.

The University Grievance Officer is responsible for providing procedural guidance to all parties in accordance with the [Student Grievance Policy](#) and Procedure. The University Grievance Officer must ensure adequate records are kept of all Grievances lodged under this Procedure, including:

- The name and contact details of all parties to the Grievance;
- A summary of the issues raised, including the remedy or outcome sought;
- The specific source of the issue (eg the staff member or policy complained about);
- Any action taken or proposed, including reasons; and
- All significant decisions made under this Procedure, including detailed reasons for them.

He or she should also ensure that Senior Management are aware of recurring issues and recommendations for improvement and that the Vice Chancellor is informed of any particularly serious and/or sensitive matters.

The University's Legal Office has overall responsibility for the implementation and review of this Procedure.

Faculties are required to report to the Deputy Vice-Chancellor (Academic) on an annual basis with the number and nature of Grievances as well as any trends and steps taken to correct recognised issues.

Members of the University's Senior Management are responsible for reviewing grievance trends and incorporating them into reviews of the University's overall performance.

Forms/record keeping

Student Grievance Officers are required to have records of each Grievance, including:

- the names of all parties involved;
- a summary of the issue/s raised, including the remedy or outcome sought;
- the specific source of the issue/s; and
- accurate and up-to-date file notes of any action initiated under this Procedure.

Such file notes are to be marked strictly confidential and held in a secure and restricted filing cabinet. The information contained in these notes should be kept to a minimum, stating only facts and relevant details as described by the parties, and the outcome of each stage.

At the conclusion of the matter, the confidential file must be forwarded promptly to the University Grievance Officer, for record keeping and reporting purposes. These records will be held by the University Grievance Officer in accordance with the Public Record's Office Victoria's *General Retention and Disposal Authority for the Records for Higher and Further Education Institutions*.

Legislative context

- Commonwealth [Age Discrimination Act 2004](#).
- Commonwealth [Disability Discrimination Act 1992](#).
- Commonwealth [Education Services for Overseas Students Act 2000](#).
- Commonwealth [Racial Discrimination Act 1975](#).
- Commonwealth [Sex Discrimination Act 1984](#).
- Victorian [Charter of Human Rights and Responsibilities Act 2006](#).

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- Victorian [Equal Opportunity Act 2010](#).
- Victorian [Freedom of Information Act 1982](#).
- Victorian [Occupational Health and Safety Act 2004](#).
- Victorian [Ombudsman Act 1973](#).
- Victorian [Privacy and Data Protection Act 2014](#).
- Victorian [Protected Disclosure Act 2012](#).
- Victorian [VRQA Guidelines to Minimum Standards 2016](#)

Associated documents

- [Student Grievance Policy](#).
- [Bullying Prevention and Management Policy](#).
- [Bullying Prevention and Management Procedure](#).
- [Discriminatory and Sexual Harassment Complaint Procedure](#).
- [Equal Opportunity and Valuing Diversity Policy](#).
- [Information Privacy Policy](#) and [Information Privacy Procedure](#).
- Australian Quality and Training Framework Standards.
- Department of Education, Science and Training's *National Complaints Code: National Code of Good Practice for Responding to Complaints about Vocational Education and Training Quality*.
- [Protected Disclosures Procedure](#).

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