



Document ID:	STS 4.2 Complaint and Grievance Policy
Responsibility:	Principal
Issue date:	17/7/2009
Version Number	7

## POLICY TITLE: COMPLAINT AND GRIEVANCE POLICY

### AMENDMENT HISTORY:

Issue Date:	Summary of Changes
12/1/06	Changes to Final Draft
26/10/06	Update to reflect organizational staffing changes at ACN / update of document ID references
29/6/07	Updated to comply with Standard 7, NCode 07
25/10/07	Updated to reflect current street address
13/11/08	Replacing the old ACN logo with a Navitas branded logo.
28/4/09	Change of policy title to Complaint and Grievance Policy and amendments as a result of review of National Code compliance by reference to the LTU's Grievance and Complaint Policy
17/7/09	Changes to point d and e under the formal complaint to include reason for making the decision and action to be taken in the outcome. These changes are made based on the recommendation to the National Code audit report.



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## PURPOSE

ACN encourages and welcomes feedback on aspects of its operation. It recognises the rights of students to express dissatisfaction or make complaints about processes or services provided by the University. ACN is committed to continuous improvement and ensures complaints and expressions of concern are analysed to improve academic and administrative services.

ACN is committed to transparent processes, ensuring complaints are dealt with fairly, consistently and promptly.

## DEFINITION

For the purpose of this document

**Complaint** - a statement expressing disagreement or dissatisfaction made to a person in authority at ACN that requires action or response.

**Grievance** - a formal statement expressing disagreement or dissatisfaction where a student believes he/she has been adversely affected by a decision made by a person in authority at ACN or La Trobe University, that requires action or response

## SCOPE

This policy applies to any student enrolled at ACN relating to academic or administrative decisions or processes with the exception of grievances relating to:-

Policy Title	Policy Reference
Harassment and Bullying	HRM 7.2.3
General Misconduct	HRM 7.2.2
Academic Misconduct	ACD 5.6
Academic Progress	ACD 5.3.1
Attendance	ACD 5.3.2
Privacy	ACN 0.3
Continuous Improvement	ACN 0.4.5

### Principles Governing the Policy

The following are the underlying principles of this procedure:-

- Accessible and simple – Students know the avenues of logging a complaint and the process is simple to follow.
- Transparent – The process for handling complaints and appeals is transparent in operation and outcome.
- Equity – The process is dealt with in an equitable and culturally sensitive manner.
- Procedural Fairness – The process is handled and judged on merit and there should be fairness to all concerned.
- Timely – Students must have all complaints and grievances dealt with in a timely manner.
- Quality and improvement – The process allows ACN to reflect on practices and has the ability to improve them.
- Confidential – ACN will ensure information pertaining to the process will be kept confidential and used for the purpose for which it was collected, unless
  - i) The express written consent of the individual(s) concerned is obtained; or
  - ii) ACN has reasonable grounds for believing that the use of the information will reduce threat to life/health of any person; or
  - iii) The use is specifically required by law
- This Policy and Procedures do not derogate from the rights of an individual under State and Federal law to make or pursue a complaint through an external agency



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## GROUNDS FOR COMPLAINTS

A student has right to lodge a complaint or lodge an appeal against a decision made in relation to a complaint or grievance covered by this Policy if the student believes they have been adversely affected by one or more of the following: -

- improper, irregular or negligent conduct against a student by a staff member of ACN
- failure by a member of staff at ACN to act fairly or without prejudice or bias
- failure by a member of staff at ACN to adhere to appropriate or relevant published University policies and procedures
- a decision made by a member of staff at ACN without sufficient consideration of facts, evidence or circumstances of specific relevance to the student
- a penalty, where applied, considered too harsh.
- failure by ACN or La Trobe University to make a decision within a timely manner.

## PROCEDURE

The following sections indicate the procedure in dealing with Informal or Formal Complaint.

### INFORMAL COMPLAINTS

An informal complaint will normally be an oral complaint. Informal complaints are generally considered by providing informal advice and support to enable the complainant to decide whether to take no action, deal with the matter individually, request a meeting to discuss the informal complaint or request that the grievance be taken through the formal grievance process. The first point of contact should be the supervisor or person responsible for the area in which the alleged grievance has occurred. Information regarding the informal grievances may be recorded.

- Complainant raises concern regarding a particular service or process
- Staff member will listen to the concern
- Staff member will explore options and implications of resolving the issue. In making the determination one of the following options will be chosen.
  - No action is deemed appropriate
  - Lodge a suggestion. Suggestion form available at [www.auscampus.net/feedback](http://www.auscampus.net/feedback)
  - Advise the complainant to lodge a formal written complaint (ensuring the complainant understand the process)
- Informal complaints are recorded as a note in the student's file. Alternatively, staff members can choose to not record the complaint if directed so by the complainant.

### FORMAL WRITTEN COMPLAINTS

A person who is dissatisfied with any University service, decision or process

- can make a formal written complaint (by letter, email or advised format) to the person or area responsible for providing it. The complainant must make clear that it is a complaint, as opposed to comments, feedback or suggestion. (Comments, feedback and suggestion are dealt with under policy ACN 0.4.5 Improvement Request) Any formal complaint will result in a direct response to the complainant. A complainant must provide where appropriate their full name and student number. Please note a group of students may lodge one complaint, but each must provide their full name and student identity number.
- is required to initiate the formal complaint within **10 weeks** of the specific incident or decision that forms the substance of the complaint, and within **14 days** for assessment complaints.
- is advised to keep notes of any incident or actions that form part of their complaint.
- is advised that no person or agency may complain on behalf of a student.

Note: Alternatively, a complainant may lodge a complaint directly with the University Ombudsman under University Regulation 39.1. The complaint must be put in writing no later than twelve months after the action or decision the subject of complaint (unless the Ombudsman considers that special circumstances justify an extension of time).

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**a) ACN receives the formal complaint and records it**

Upon receiving the formal complaint, staff will record it in a register (REFERENCE HRM 7.2.5 Complaint Register). The information collected will assist ACN in reporting information regarding the number of complaints.

**b) ACN will acknowledge the complaint**

Upon receiving the formal complaint, ACN will acknowledge the complaint in writing (via letter or electronic means) to the complainant(s) within **5 business days**. The acknowledgement will include the name of the staff member who will be handling the complaint and the estimated time frame for resolving the complaint.

**c) ACN will investigate the complaint**

The staff member who receives the complaint can delegate the investigation and resolution of the complaint to a member of staff who has the authority and skills to investigate and resolve complaints.

- The investigating staff member may consult with and seek advice from any appropriate staff member at ACN or La Trobe University
- The investigating staff member may request a formal meeting with the complainant or any other staff member. Complainants should be advised at this point they may bring a support person with them to any such meeting. No person or agency may appear on behalf of a complainant except in special circumstances with the permission of the person conducting the hearing.
- A complainant has the right to be heard either through written submission and/or personal representation at any formal meeting considering their complaint.

**d) ACN will communicate the decision or resolution**

Communication of the decision or resolution, the reason for making the decision or resolution, and the action to remedy the complaint or grievance (if relevant), shall occur within **5 business days** after the decision has been made. ACN will communicate the decision or resolution in writing (via letter or electronic means) to the last known mailing address of the complainant as recorded by the University.

**e) ACN will take appropriate action (if relevant) to rectify the complaint or grievance**

ACN will take action (if relevant) to remedy the grievance and complaint as soon as possible.

### **WITHDRAWAL OF A GRIEVANCE OR COMPLAINT**

A complainant may at any time during the complaints resolution process withdraw a complaint by placing the intent to withdraw the complaint or grievance in writing and forwarding it to the member of staff to whom the original complaint was raised or the person designated to handle the complaint as informed by the University.

### **REVIEWS AND APPEALS**

If after formal notification of the decision or resolution, a complainant doesn't believe that the complaint has been adequately resolved, then he or she may seek an investigation or reconsideration by way of review or appeal to the University Ombudsman. The complainant must lodge the written complaint with the University Ombudsman no later than twelve months after the action or decision the subject of complaint (unless the University Ombudsman considers that special circumstances justify an extension of that time).

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#### EXTERNAL AGENCIES

The Ombudsman Victoria is an independent statutory office holder whose role is to investigate complaints about administrative actions and decisions taken by State government departments and authorities including universities. If a complainant, after following the avenues available within this procedure, is not satisfied with the outcome or process of a student appeal, he or she may wish to take their complaint to:-

Ombudsman Victoria  
Level 3 South Tower  
459 Collins Street  
MELBOURNE 3000  
Tel: 03 9613 6222  
Fax: 03 9614 0246  
Toll Free 1800 806 314  
Email: [ombudvic@ombudsman.vic.gov.au](mailto:ombudvic@ombudsman.vic.gov.au)  
Web: [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)

#### REFERENCES:

Policy Number:	Policy Title
HRM7.2.2	Harassment and Bullying Policy
STS4.3	Non-Academic Student Misconduct Policy
FORM ACN 0.4.5 F1	Improvement Request
FORM ENR 3.4.1 F1	Appeal of Declined Transfer Request
ENR 3.4	Student Transfer Request Assessment