



## Student Grievance Resolution Policy

**Authority Source:** Council

**Approval Date:** 09/09/2016

**Publication Date:** 16/09/2016

**Review Date:** 16/09/2019

**Effective Date:** 16/09/2016

**Custodian:** Director, Student Life

**Contact:** Scott.Pearsall@canberra.edu.au

**Accessibility:** Public

**Status:** Published

In developing this policy the University had regard to the provisions of section 40B(1)(b) of the Human Rights Act 2004 (ACT).

### PURPOSE:

This policy sets out the University of Canberra's principles and framework for the resolution of student grievances.

### SCOPE:

1. This policy applies to student grievances relating to actions or decisions taken by the University and its staff, whether of an academic or administrative nature. This may include grievances related to the University's administration, learning support, teaching services or breaches of the University's policy. For clarity, this includes student grievances relating to grades awarded for units and assessment items.
2. The processes outlined in this policy to resolve grievances are available to current students of the University and to international students, whether on a pathway program or currently enrolled at the University, where the grievance relates to their continuing enrolment. These processes are the mechanism by which such concerns are to be addressed. Students on intermission, past students and graduates may seek to resolve a grievance through these processes where the matter to which it relates occurred when they were a current student or only with the permission of the Director, Student Success.
3. Student grievances in relation to the following matters cannot be addressed through the processes outlined in this policy:
  - a. Grievances relating to actions or decisions more than one year past, except in the case of compelling and/or exceptional circumstances as determined by the Director, Student Success .
  - b. a decision made by an appropriate review authority in accordance with the Academic Progress Policy unless:
    - i. new mitigating evidence (which was not available at the time the student submitted their statement of reasons as to why they should be allowed to continue with their course of study) becomes available which is likely to have affected the appropriate review authority's decision had it been available at the time; or
    - ii. a failure of process has occurred resulting in disadvantage to the student.

- c. Decisions made under a statute or University policy which specifies another party as the final decision maker within the University including:
  - i. a decision made under the University of Canberra Student Conduct Rules 2017 (i.e. appeals against the outcome of a Summary Inquiry or a Committee Inquiry);
  - ii. a decision made under the University of Canberra Admission Rules 2017 to terminate a student's enrolment arising from a failure to meet the conditions for continuation under a conditional/probationary offer (Admissions Committee);
  - iii. a decision made under the University of Canberra Admission Rules 2017 to make an offer of admission subject to conditions or to refuse admission to an applicant (Admissions Committee);
  - iv. an unsuccessful application for a remittance of a HELP debt (Vice-President Operations);
  - v. a refusal by the Director, Student Success to allow submission of a late Statement of Reasons as per the Academic Progress Policy.

4. In general, the University does not recognise grievances relating to academic judgement. The University's position is that academic judgement is a proper part of higher education and the learning environment. However where a student has evidence that a bias in academic judgement has occurred, then a student has a right to pursue a grievance under this policy.

## PRINCIPLE:

### 1. Guiding Principles

The University approaches student grievance resolution, and devises student grievance resolution processes, according to the following guiding principles:

- a. Students and staff participate in the grievance resolution process in good faith. Grievances found to be vexatious, frivolous or lacking substance will be dismissed.
- b. Grievance processes adhere to principles of natural justice/procedural fairness.
- c. Students and staff are treated respectfully and fairly throughout the grievance resolution process.
- d. Students will not suffer any form of disadvantage as a result of making a complaint.
- e. Student confidentiality is maintained throughout the grievance resolution process in accordance with the Privacy Act 1988 (Cwth).
- f. Student grievances are resolved as expeditiously as possible. To this end, student grievances are to be addressed as close as possible to the source of student dissatisfaction and an onus rests on a student to seek to resolve grievances informally in the first instance, where possible.
- g. Effective, reciprocal communication and feedback underpins the relationship between all parties in the grievance process.
- h. Actions undertaken to resolve student grievances are recorded and communicated to all relevant parties.
- i. Grievances provide valuable input to the continuous improvement of programs, policies, procedures and services of the University, are monitored and acted upon accordingly.
- j. Grievance procedures and the support available to students are widely publicised to facilitate access to the grievance resolution process.

### 2. Student Grievance Resolution Framework

The University has established a framework which outlines the steps available to a student in resolving grievances relating to administrative matters and academic matters. (A flowchart of the steps in the resolution processes is provided at Appendix 1).

### **2.1. Informal Resolution (Academic Matters only)**

- a. Informal resolution of student grievances is applicable only to academic matters. Administrative matters must progress immediately to formal resolution.
- b. While a student is free to address their grievance to any individual or body identified as having responsibility in relation to a particular category of grievance, a student is encouraged, in the first instance, to attempt to resolve the matter informally with the individual closest to the source of the grievance. This may involve writing to the staff member whose action or decision has led to the grievance and/or speaking to the staff member face-to-face.
- c. If the grievance is not resolved to the student's satisfaction then, as part of the informal resolution stage, the student should next approach the relevant Discipline Head to seek to resolve the matter.

### **2.2. Formal Resolution**

- a. Academic Matters - If an academic matter is not resolved to the student's satisfaction through the informal resolution process, the student may then seek formal resolution of the matter by completing the formal grievance form and submitting it to the relevant Dean (or, if appropriate, the Director of UCC) setting out the details of the grievance.
- b. Administrative matters- The resolution of administrative grievances informally with an individual staff member is not appropriate as many administrative decisions are made independently of the specific officer who may enact them. Students with an administrative grievance may seek formal resolution of the matter by completing the formal grievance form and submitting it to the relevant Dean or Director setting out the details of the grievance.
- c. Responsibility for investigation and determination of a grievance may be delegated by the Dean or Director. If delegated, responsibility for investigation and determination of a grievance is typically given to the Associate Dean whose area of responsibility is consistent with the subject of the grievance.
- d. The Dean or Director, or their delegate, may take such action as he or she deems necessary to properly investigate a grievance. This may include interviewing the student and seeking the view of any staff member who may possess information relevant to the subject of the grievance. A staff member against whose actions or decision a grievance has been lodged must be given an opportunity to respond to the allegations in consideration of a grievance. Where appropriate, consultation with the Director, Student Success is encouraged by the Dean, Director or their delegate.
- e. The Dean or Director, or their delegate, has the authority to make a determination relating to any student grievance matter.
- f. All relevant parties to a grievance will be notified in writing of the determination of the Dean or Director, or their delegate. The notice of the determination will outline the reasons for the decision.
- g. A record will be made of the determination, any evidence considered and all actions taken to resolve a grievance.

### **2.3. Appeal**

- a. A student may appeal the outcome of a formal grievance to the Student Appeals

Committee (the Committee). An appeal must be in the prescribed form and submitted to the Secretary, Student Appeals Committee, University of Canberra, no later than 20 working days from the date of issue of the written notice of the determination of the Dean or Director.

- b. An appeal lodged more than 20 working days after notice of the determination of the Dean or Director is given will be deemed invalid unless the Chair of the Student Appeals Committee grants special leave for a late appeal to be considered by the Committee. The Chair may grant special leave only where a student demonstrates exceptional circumstances leading to a delay in lodgement of the appeal. The decision of the Chair is final and incontestable within the University.
- c. A valid appeal will clearly outline a student's claims and explain how they demonstrate grounds for appeal.
- d. All relevant supporting evidence available to the student to substantiate the claims made within an appeal is to be submitted in conjunction with the appeal.
- e. If an appeal does not appear to demonstrate grounds for appeal or provide evidence to substantiate the claims made within it, the Secretary of the Student Appeals Committee will advise the student and request further information. The student will then have a further five (5) working days in which to provide the additional information requested to demonstrate grounds for appeal or to provide supporting evidence.
- f. The Chair will consider all relevant information provided in the appeal and from the University's records in determining whether a valid appeal has been submitted.
- g. If the Chair determines that the appeal is vexatious, frivolous or lacks substance, or has failed to demonstrate sufficient grounds or evidence, the appeal will be dismissed without hearing. The decision of the Chair is final and incontestable within the University.
- h. Where the Chair determines that grounds for appeal have been demonstrated, the Committee may, after considering the merits of the case in full, including all available statements and evidence provided by the student and relevant areas of the University:
  - i. make a decision on the papers wholly in favour of the student without hearing; or
  - ii. bring the appeal before a hearing of the Committee.
- i. A hearing date will be set in accordance with the time frames set out in Appendix 2.
- j. Where an appeal is brought before a hearing of the Committee, the student must be given an opportunity to present a case to the Committee in person.
- k. The Committee may conduct a hearing in any way the presiding Chair deems appropriate. Thus, the Committee may invite any relevant person or persons from the University and any other relevant person to address the Committee. A staff member against whose actions or decision a grievance was lodged must be given an opportunity to respond to the allegations before the Committee.
- l. The student, the Dean or Director, and any other relevant party shall be advised in writing with reasons for any decision. A decision of the Committee will be final and incontestable within the University.

#### **2.4. External Review**

- a. A student may lodge an appeal to the ACT Ombudsman in relation to a decision of the Committee. More information about lodging a complaint is available at: <http://www.ombudsman.act.gov.au/>. If the student's grievance is a discrimination complaint, the student may wish to lodge an appeal to the ACT Human Rights Commission.

More information about lodging a complaint is available

at:<http://hrc.act.gov.au/discrimination/make-discrimination-complaint/>

- b. An external appeal should be lodged as soon as possible following notification of the Committee's decision. Students are strongly advised to notify the Secretary in writing that an appeal has been lodged so the University can ensure that the students' rights are protected during the review process. The Secretary will ensure appropriate University staff members are advised a review is underway. Where an appeal relates to a decision by the University to cancel an international student's enrolment, failure to lodge an external appeal in line with the timeframes identified in Appendix 2 may require the University to report the international student to the relevant government authority.

### **3. Student Appeals Committee**

#### **3.1. Membership of the Student Appeals Committee**

- a. A meeting of the Committee shall be comprised of one representative of each of the following categories of membership:
  - i. Chair
  - ii. Academic Staff member
  - iii. General Staff member
  - iv. Student
- b. At a meeting of the Committee, three Committee members, each of a different category of membership including a Chair, constitutes a quorum.
- c. Each member participating in a meeting of the Committee will be selected from a pool of not less than two members appointed to the Committee for that purpose.
- d. Where possible, the selection of members to participate in a meeting of the Committee will have regard for the gender balance of the Committee.
- e. Chairs of the Committee are appointed by the Vice-Chancellor. A Chair of the Committee will be a senior or experienced member of the academic staff (typically associate professor level or above) and typically permanent and full time.
- f. Academic Staff members and General Staff members of the Committee are nominated by the University of Canberra branch of the National Tertiary Education Union (NTEU) and are typically permanent and full time, and require the support of the relevant Dean or Director to undertake this role. Should the University of Canberra branch of the NTEU be unable to provide a nominee for appointment within one calendar month of a request from the Secretary, the Vice-Chancellor may appoint a member to the Committee in the relevant category of membership.
- g. University staff members are appointed as members of the Committee for a term of two years. The appointment of Committee members in each category of membership drawn from University staff should have regard to ensuring representation from across the different areas of the University.
- h. Student members of the Committee are nominated by the University of Canberra Students' Association.
- i. Student members are appointed to the Committee for a term of one year in accordance with the election cycle of the office bearers of the University of Canberra Students' Association.
- j. Where necessary, the Chair of the Committee may co-opt onto the Committee a staff

member with relevant expertise in the area that is the subject of the grievance.

- k. Members of the Student Appeals Committee will be provided with training with respect to their responsibilities. Guidelines for the Student Appeals Committee will be provided for the operation of the Committee.
- l. The Vice-Chancellor may remove a Committee member from office for:
  - a. failure or incapacity to attend to his or her duties as a member; or
  - b. in the case of a student member, if the student member is found to have engaged in conduct prohibited by rule 9 of the Student Conduct Rules 2017. A Committee member removed for these reasons is not eligible for reappointment.

### **3.2. Powers of the Student Appeals Committee**

- a. The Committee shall exercise the powers and authority of the original decision maker in relation to determining the outcome of an appeal against the decision of a Dean or Director arising from a formal grievance for all purposes other than financial delegation.
- b. Where a proposed decision of the Student Appeals Committee would have financial implications for the University, the Committee will seek advice from the appropriate officer within the University. The Committee must consider the advice of the appropriate officer in making their determination.

## **4. Resolution Timelines**

It is in the interests of all parties that the grievance resolution process is completed within a reasonable time frame. The time involved in resolving a grievance at the informal stage may vary. Once the formal resolution stage is reached, specific time frames for the resolution of grievances and appeals apply as outlined in Appendix 2.

## **5. Costs**

The University does not apply any charges to students wishing to lodge a grievance or appeal. There are no fees for the ACT Ombudsman services.

## **6. Support**

- a. Students may seek advice on the application of this policy from the local support services available at their campus. Further information on local support services and their contact details are available on the University of Canberra website.
- b. Where students initiate meetings to resolve grievances informally with University staff, or are invited to attend meetings for this purpose, students may be accompanied by another person (not being a qualified lawyer acting in a professional capacity).

## **7. Reporting and Feedback**

- a. All Deans and Directors will provide the Director, Student Success with an annual summary of student grievances received, noting the course of origin, the student level and gender, any actions taken to address endemic issues and any other statistic of relevance.
- b. A record of the Student Appeals Committee's deliberations will be kept by the University. An annual summary of appeals considered by the Committee will be provided to the Director, Student Success, noting the number of appeals dismissed and upheld.
- c. An annual summary of grievances and appeals will be provided to the University Education Committee and Academic Board by the Director, Student Success.

## Commonwealth and Territory governing framework and legislation

- a. University of Canberra Act 1989
- b. In making this Policy the University had regard to the provisions of section 40B(1)(b) of the Human Rights Act 2004 (ACT).

## University statutes and rules

- c. [University of Canberra \(Student Conduct\) Rules 2017](#)
- d. [University of Canberra \(Admission\) Rules 2017](#)

## University policy and procedures

All UC academic and administrative policies and procedures affecting students are relevant to this policy, in particular:

- d. [Academic Progress \(for Undergraduate Courses and Coursework Postgraduate Programs\) Policy](#)
- e. [Academic Progress \(for Undergraduate Courses and Coursework Postgraduate Programs\) Procedure](#)
- f. [Assessment Policy](#)
- g. [Assessment Procedure](#)
- h. [Domestic Student Contributions and Tuition Fees Policy](#)
- i. [Intellectual Property Policy](#)
- j. [International Student Transfer Assessment Policy](#)
- k. [International Student Transfer Assessment Procedure](#)
- l. [International Student Fee Policy](#)

## DEFINITIONS:

Terms	Definitions
Administrative grievance	a grievance relating to an action of an administrative unit of the University, for example, the levying of a late fee or a decision not to permit a student to withdraw late from a unit.
Academic grievance	a grievance relating to a decision or action of staff in a faculty, for example, decisions or actions of individual academic staff member to do with credit, course completion, research student supervision, or an apparent breach by a staff member in applying the University's academic policies.
Chair	the presiding Chair of the Student Appeals Committee
Dean	the Dean of the Faculty to which an academic or administrative grievance relates and includes the Director of a Research Institute or the University of Canberra College in relation to academic matters.
Director	the Director of the business unit to which an administrative grievance relates

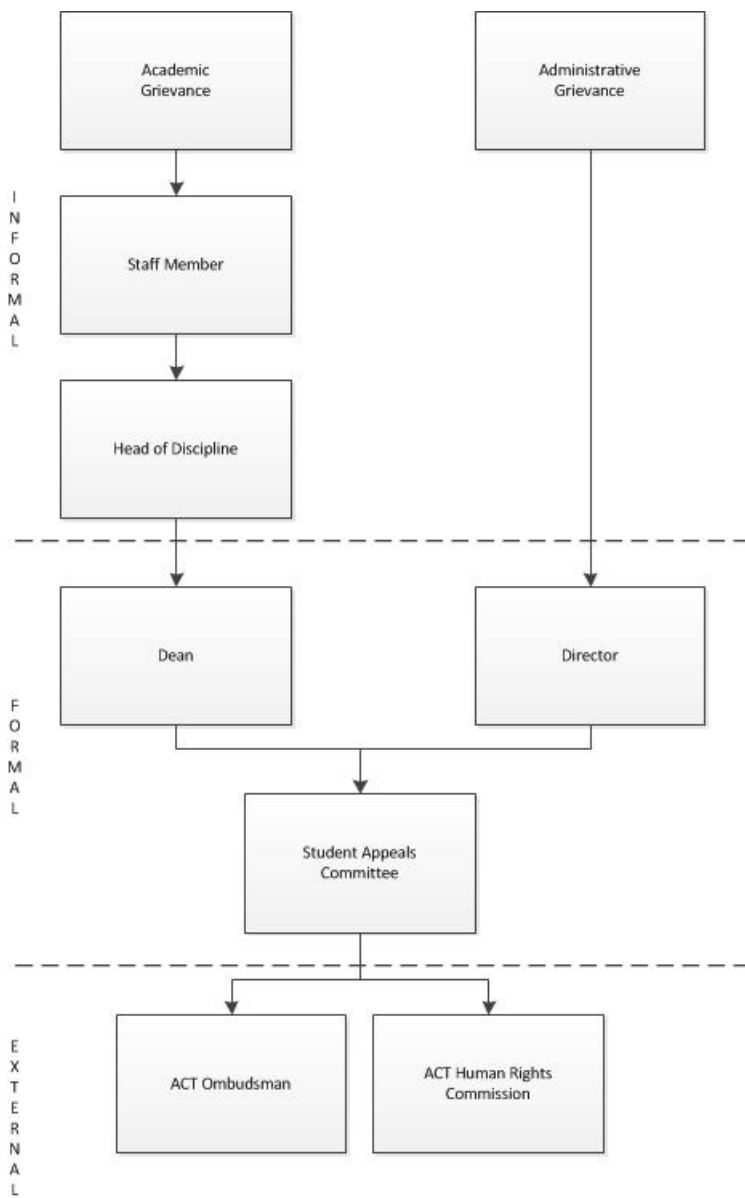
Intermission	a designated period of time where a student voluntarily elects to suspend their studies. In addition to considering formal requests for intermission, the University deems any domestic student not to have enrolled in any units by the census date of a mandatory teaching period to have elected to take intermission from their studies for that period.
Pathway program	a pathway program is an approved course of study at a partner institute which prepares a student for entrance to the University.
Secretary	the Secretary of the Student Appeals Committee as appointed by the Director, Student Success.
Student	<p>a person (including a member of staff employed by the University) who has accepted an offer to undertake a course of study or a unit offered by the University, whether offered directly by the University or through its partner institutes, and:</p> <ol style="list-style-type: none"> <li>1. where undertaking a course of study: <ul style="list-style-type: none"> <li>○ has not been discontinued from their course of study, whether voluntarily or by the University;</li> <li>○ has not been granted the award to which a course leads where the student has met the academic requirements of that course;</li> <li>○ has not taken intermission; and</li> <li>○ has not been suspended for misconduct; or</li> </ul> </li> <li>2. where undertaking a non-award unit, a final grade for that unit has not been awarded.</li> </ol>

## NOTES:

### **Appendix 1: Steps in Student Grievance Resolution Process**

A student may elect to approach any staff member of the University to seek to resolve a grievance; however, the University's preference is that student grievances are addressed as close as possible to the source of student dissatisfaction. This flowchart identifies the most appropriate party to consider a student's grievance at each step of the student grievance resolution process. Having commenced the grievance process, a student may elect to withdraw from the process, accept the decision made by the relevant party at any stage of this process (whether in the student's favour or not) or to proceed to the next decision maker identified in this flowchart to seek review of the decision made by the preceding party.





**Appendix 2: Standard Timelines for the Student Grievance Resolution Process**

Student Process	Timing	University Process	Timing
Lodgement of formal grievance in writing to Dean or Director	Within 1 year of the grievance arising*	Acknowledgement by Faculty or Administrative Unit of formal grievance lodged	Within 10 working days
		Notification of determination of the Dean or Director	Within 25 working days of lodgement of the formal grievance
Lodgement of appeal to the Student Appeals Committee	Within 20* working days of the notification of determination of the Dean or Director	Notification of invalidity of appeal	Within 25 working days of lodgement of the appeal with the Secretary
		Student Appeals Committee hearing (where a valid appeal has been lodged)	

		Notification of determination of Student Appeals Committee	Within 25 working days of the hearing by the Student Appeals Committee
Lodgement of appeal to the ACT Ombudsman	Within 20** working days of the decision of the Student Appeals Committee		

\*If there is an intention to report an international student for unsatisfactory attendance (in the case of ELICOS students) or unsatisfactory course progress, the student has 20 working days to access the University's formal internal complaints and appeals process (as per the requirements of the Education Services for Overseas Students Act). The University will not cancel an international student's enrolment whilst the appeals process is ongoing.

\*\* International students who have been notified of the University's intention to terminate their enrolment have 20 days to access an external appeals process before the University may be required to report the student to the relevant government authority. An international student may access and receive the outcome of only one external appeals process before the University may report the student to the relevant government authority if the external appeal does not find in the student's favour.