

# Student (Related) Grievance Handling Policy

## Section 1 - Overview

(1) The University of New England is committed to continuous service improvement based upon a culture in which people feel comfortable in submitting a grievance and confident that their issues will be addressed fairly, as promptly as possible, accurately, sensitively and without recourse where the grievance has been submitted in good faith. This commitment to a fair, efficient and effective grievance management system is championed by the Vice-Chancellor, the University senior executive and from all sections of the University.

(2) This policy addresses the requirements relating to grievance handling required under the Tertiary Education Quality and Standards Agency Act, the Educational Services for Overseas Students Act and the recommendations contained within the NSW Ombudsman Complaint Handling at Universities: Best Practice Guidelines.

## Section 2 - Scope

(3) This policy applies to all UNE Representatives and Students of the University (as defined under this policy).

## Section 3 - Policy

### Principles

(4) The University of New England is committed to:

- a. providing opportunities to resolve grievances without the immediate need to engage outside agencies;
- b. making the resolution process as streamlined as possible and readily accessible to everyone;
- c. ensuring appropriate confidentiality is maintained;
- d. adhering to the principles of natural justice and the protection of rights for all;
- e. encouraging the resolution of grievances as close as possible to their origin;
- f. the timely solution of grievances and appeals;
- g. the availability of staff and managers to resolve issues in the first instance;
- h. ensuring that those who submit a grievance will not be subjected to any penalty providing the grievance is made with an honest belief in its merit. No University Representative or Student shall suffer any form of detriment for his/her participation in submitting, supporting or resolving a grievance;
- i. ensuring that this policy does not remove rights of redress through the University Chief Ombudsman or any statutory agency; and
- j. ensuring that grievances involving alleged criminal activity are reported to the Police or other relevant authority.

(5) All University Representatives and Students have access to an effective grievance process that enables them to lodge a grievance about any aspect of the University's provision of higher education and associated services.

(6) The formal grievance process must be recorded in writing.

(7) Grievances may be submitted anonymously but, depending on their nature and the requirements of natural justice, their resolution may be limited or not possible. An anonymous grievance may be where the aggrieved person requests that his/her identity not be revealed to the responding person or does not identify him/herself when lodging a grievance.

NB. While the University Student Grievance Unit may accept anonymous grievances it cannot guarantee the anonymity of the aggrieved person because the identity of an aggrieved person can be deduced from the nature of the grievance and also because there are statutory pathways avenues (such as Government Information (Public Access) Act 2009) through which the identity of the aggrieved person(s) can be required to be revealed. Anonymous grievances may also contain insufficient information for it to be pursued. However, if the grievance suggests reasonable evidence of misconduct, error or some other significant institutional flaw the grievance will be investigated to determine whether the grievance falls within the scope of a general grievance.

(8) Any interference with the application of this policy including:

- a. falsification, distortion or misrepresentation of information before an inquiring officer or;
- b. disruption to, or interference with, the orderly conduct of an inquiry or;
- c. attempting to discourage an individual's proper participation in the application of this policy;
- d. attempting to influence the impartiality of an inquiring officer prior to or during the course of, an inquiry or;
- e. harassment or intimidation of an inquiring officer or a student or a university representative prior to, during, or after an inquiry

may become the subject of disciplinary proceedings.

(9) This policy overrides any policy and/or practice of a business area or school in relation to the handling of student related grievances.

## **Student Grievance Unit Functions**

### **Appeals**

(10) The Student Grievance Unit is the primary university unit for the recording of formal written appeals.

(11) An appeals must be submitted within the timelines set down by the rule/policy under which the appeal is being managed.

(12) The Student Grievance Unit does not record appeals regarding offences of plagiarism.

### **Statutory Agencies**

(13) This policy does not affect any rights a person may have to submit a grievance to an appropriate outside agency at any time (for example, NSW Independent Commission Against Corruption, NSW Ombudsman, NSW Anti-Discrimination Board, Human Rights and Equal Opportunity Commission and the Administrative Appeals Tribunal).

### **Compliance**

(14) All UNE Representatives and Students must comply with this policy. A failure to comply with this policy may become the subject of disciplinary proceedings.

## Authorisation

(15) The Pro Vice-Chancellor (Academic) is authorised to administer this policy and to coordinate creation of procedures to apply under this policy. The procedures must be consistent with this policy.

(16) This is a Vice-Chancellor's policy and vested authority is granted for decisions made under this policy to the nominated parties. The Vice-Chancellor's retains discretion over decisions made under this policy.

## Section 4 - Definitions

(17) academic judgement means all decisions regarding admission and readmission, enrolment, assessment, advanced standing, intermission, exclusion for insufficient progress and eligibility to graduate, made under the general Rules, Course Rules and policies of the University and delegated to the jurisdiction of designated members of the academic staff.

(18) anonymous grievance means where the complainant does not wish to reveal his/her identity to the responding person or does not identify him/herself when lodging a grievance.

(19) appeal is an application in writing to a higher authority for a reversal/change/ reconsideration of the decision of a lower authority.

(20) grievance means:

- a. (a). a real or imagined cause for complaint, especially unfair treatment;

(21) an official statement of a complaint over something believed to be wrong or unfair; a feeling of resentment over something believed to be wrong or unfair.

- a. any expression of dissatisfaction made to an organisation related to its product, or the complaints handling process itself, where a response or resolution is explicitly or implicitly expected.

(22) review means examination of the process undertaken but not a direct overturn of the original decision or substitution of the decision for that under review.

(23) student means an Admitted Student, Enrolled Student, Past Student or Future Student, at the relevant time.

- a. Admitted Student means a student who has been admitted to a UNE course of study and who is entitled to enrol in a unit of study.
- b. Enrolled Student means a student who has been admitted to a UNE course of study at UNE or elsewhere and who is enrolled in a unit at UNE.
- c. Past Student means anyone that is no longer an admitted or Enrolled Student at UNE.
- d. Future Student means anyone applying to become an admitted or enrolled student at UNE.

(24) university representative means a university employee (casual, fixed term and permanent), contractor, agent, appointee, UNE Council member and any other persons engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	27th July 2015
<b>Review Date</b>	12th December 2016
<b>Approval Authority</b>	Vice-Chancellor and Chief Executive Officer
<b>Approval Date</b>	12th December 2014
<b>Expiry Date</b>	5th September 2016
<b>Unit Head</b>	Richard Dobek Executive Principal Student Experience
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