

Student (Related) Grievance Handling Procedures

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 grievances and confident that their issues will be addressed fairly, as promptly as possible, accurately, sensitively and without recourse where a grievance has been submitted in good faith. This commitment to a fair, efficient and effective grievance management system is championed by the Vice-Chancellor and Chief Executive Officer, the University senior executive and all parts of the University.

(2) These procedures set out the process for dealing with student related grievances and appeals and address the requirements relating to complaints 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) These procedures will apply to all UNE representatives and students of the university as defined under the [Student \(related\) Grievance Handling Policy](#).

Section 3 - Procedures

Role of the Student Grievance Unit

(4) The Student Grievance Unit can:

- a. case manage student grievances about university representatives;
- b. case manage student grievances about the exercise of academic judgment;
- c. conduct an inquiry into student grievances about students;
- d. conduct an inquiry into student grievances around processes and policy pertaining to their studies;
- e. conduct an inquiry into university representative grievances about students;
- f. conduct an inquiry into grievances made by the general public about students and/or the University;
- g. conduct an inquiry into student grievances about the university; and
- h. conduct an inquiry into issues related to policies and procedures around a student's studies or relationship with the University of New England that may be causing a university representative, a student or a member of the public distress.

(5) As part of conducting an inquiry or managing a case, the Student Grievance Unit :

- a. will assist to find a solution;
- b. may refer matters to an alternative dispute resolution process;

- c. will make determinations based on policy;
- d. will make determinations based on factual and verified content;
- e. will make recommendations to university representatives authorised to decide cases and impose penalties;
- f. may refer matters to external agencies as specified by University policy; and
- g. may refer matters outside the jurisdiction of the SGU to authorised university business units and/or schools.

Communication with the Student Grievance Unit

(6) Correspondence is to be transmitted via the University Email System unless prevented by extenuating circumstances via:

- a. University Representatives via: sguforstaff@une.edu.au
- b. Students via: sguforstudents@une.edu.au

(7) All student related written formal grievances and appeals must be immediately sent to and recorded with the Student Grievance Unit (SGU) prior to any action being undertaken to ensure duplication of grievances and appeals handling is eliminated.

Confidentiality:

(8) Confidentiality of all information about grievances and appeals during these procedures and after the matter is concluded is essential to ensure:

- a. fair treatment and process;
- b. protection of the aggrieved person and the respondent; and
- c. minimisation of the risk of victimisation.

(9) Only those directly and legitimately involved in these procedures should be informed about the details of a grievance or appeal.

(10) Any breach of confidentiality may result in disciplinary action.

Informal Grievances

(11) Many grievances can be resolved directly, either by approaching the person or group whose actions have given rise to the grievance, or by approaching an authorised staff member for assistance (for example Unit Coordinator, Lecturer, Tutor).

(12) While some people may feel confident to raise an issue or concern directly with the person(s) involved, others may need the support of their unit co-ordinator, lecturer, the independent student advocate, another trusted staff member or an appropriately authorised person.

(13) A direct approach may be made face to face, by phone or by email. Direct, open, and cooperative dialogue can often lead to a better understanding of the problem, and a quick and satisfactory resolution.

(14) A direct approach does not aim to prove or disprove the issue or concern. It does not include a formal inquiry or any disciplinary action.

(15) A direct approach does not always involve having to speak with other parties involved as the solution may be devised between the person and the assisting University Representative.

(16) Some direct resolution strategies may involve:

- a. identifying issue/s excluding emotive content;
- b. giving more information and/or applying policy and procedure;
- c. providing an explanation;
- d. suggesting a solution;
- e. expressing empathy and understanding; and/or
- f. giving an apology (as legislated in the Civil Liabilities Act 2002 (NSW) sections 67-69 giving an apology does not constitute an admission of fault or liability and is not relevant to any determination of fault or liability).

(17) The goal of a direct approach is to reconcile an issue or concern at the closest point of origin.

(18) A direct approach can be useful in situations where the grievance is less serious in nature and where there is likely to be an ongoing professional relationship.

(19) A University representative receiving an informal grievance will take prompt action to assist the person to resolve their issue or concern. If resolution cannot be achieved, the person must be referred to the Student Grievance Unit by calling (02) 67734260 or visiting <http://www.une.edu.au/student-grievances>

(20) The Student Grievance Unit (SGU) strongly encourages parties to a grievance to engage a direct approach to resolve their issues prior to lodging a formal written grievance.

Formal Grievances

(21) A student's enrolment must be maintained throughout this process.

(22) All matters involving a Student Visa Holder must be immediately reported to the Director, UNE International.

(23) Under this procedure all matters including those relating to International Student will commence within ten working days.

(24) All formal complaints will be managed in accordance with the relevant rules and policies.

(25) All records will be managed in compliance with the University [Records Management Policy](#).

(26) All formal written student related grievances will be lodged directly with, or forwarded to, the University's Student Grievance Unit to enable matters to be logged, maintained and addressed from a central point, in a consistent and timely manner.

(27) The Student Grievance Unit is the primary University unit for the recording of all student related formal written grievances and student appeals, and for inquiry and resolution of student related grievances within its jurisdiction. The Student Grievance Unit however does not impose penalties.

(28) Receipt and Acknowledgment:

- a. Upon receipt of a written formal grievance, the University Student Grievance Unit (SGU) ;
 - i. will register and acknowledge receipt of the grievance in writing to the aggrieved person and/or the referring School or Business Unit within three working days; and
 - ii. will assess the grievance within five working days from the date of acknowledgement;
 - iii. where it is not possible to acknowledge and/or assess a grievance within the stated timeframe, as required under (a) and (b), an explanation will be provided within this period.

(29) Assessment of a grievance:

- a. The Student Grievance Unit will examine the grievance for:
 - i. merit;
 - ii. jurisdiction;
 - iii. validity of the specific issues;
 - iv. application of policy to the complaint;
 - v. application of process to the complaint;
 - vi. ability to verify facts of the complaint;
 - vii. ability to obtain all evidence of the specific issues of the complaint;
 - viii. remoteness in time of the grievance;
- b. and determine whether:
 - i. the Student Grievance Unit can conduct an inquiry;
 - ii. the Student Grievance Unit can case manage the grievance;
 - iii. the grievance can be referred to another university Business Unit eg People and Culture, Internal Audit
 - iv. the grievance can be referred to an appropriate authority for attention; or
 - v. the grievance can be rejected stating reasons
 - upon an assessment outcome of rejection, the aggrieved person and/or the referring Head of School/ Business Unit will be issued notification of the rejection in writing together with the reasons for rejection within five business days of the date of the complaint being acknowledged by the Student Grievance Unit;
 - vi. the aggrieved person and/or School/Business Unit lodging the grievance will be advised of the assessment outcome in writing within five business days of the date of the grievance being acknowledged by the Student Grievance Unit.
 - vii. Where it is not possible to advise regarding the assessment outcome in writing within five business days as required under (V) or (d) an explanation will be provided within this period.

(30) Remoteness in time (twelve months or older) will be a factor considered when assessing the validity of a grievance. A grievance 'out of time' will not be automatically disregarded. A grievance relating to events that occurred more than one year before being lodged will be assessed on a case by case basis taking into account both the importance of the conduct being complained about, and whether the matter is one where documentary evidence is available and would help in determining the matter.

Conduct of an Inquiry

(31) Where a grievance has been assessed as suitable for inquiry the Student Grievance Unit will:

- a. appoint a case manager to conduct the inquiry; and
- b. notify the relevant Head of School/Business Unit that a grievance has been received, a file has been opened and the name of the appointed case manager.

(32) The Student Grievance Unit case manager (as guided by the governing UNE policy or rule) shall:

- a. remove all emotive and irrelevant content from the grievance;
- b. identify and state the relevant issues of the grievance;
- c. obtain any further information and evidence;
- d. send the relevant issues of the grievance together with a copy of all relevant documentation and information directly to the university representative or the respondent identified as closest to the issues;
- e. request a direct response from that university representative or respondent; and

- f. where a direct response is required from a university representative, the Head of School/Business Unit concerned will be copied into this correspondence by the Student Grievance Unit.

(33) The university representative or the respondent will send their immediate response directly to the Student Grievance Unit.

- a. where a direct response is required from a University representative, the Head of School / Business Unit concerned will be copied into this response by the University Representative; and
- b. the Head of School/ Business Unit will send any comments regarding the complaint and/or the university representative's response to the Student Grievance Unit.

(34) Upon conclusion of the inquiry the case manager shall:

- a. inform the aggrieved person of the outcome in writing; and
- b. give notification of the their right of appeal and review; and
- c. where applicable, provide a written report to the Head of School/Business Unit with the determination of the grievance together with recommendations of:
 - i. any penalty ; and
 - ii. any corrective and preventative actions; and
 - iii. any business improvement recommendations.

(35) All corrective and preventative actions together with all business improvement recommendations will be sent to the UNE Compliance System Manager and the Internal Audit for inclusion in School/Business Unit Audits.

(36) An annual summary of grievances, corrective and preventative actions together with all business improvement recommendations will be reported to the Academic Board for noting. A copy will be provided to Operational Planning and Quality for quality and planning purposes.

Case Management

(37) Where a grievance has been assessed as suitable for case management (for example grievances about the exercise of academic judgment, university governance, higher degree research) the Student Grievance Unit shall appoint a case manager to administer the grievance process;

(38) The Student Grievance Unit case manager (as guided by the governing UNE policy or rule) shall:

- a. obtain further information and/or evidence in consultation with the relevant Head of School/Business Unit, determine if a prime facie case exists;
- b. record of all case evidence, reports, emails and records into a case specific trim file; and
- c. send official notification in writing to the relevant Head of School/Business Unit that a grievance has been received by Student Grievance Unit and is referred for attention together with the trim file.

(39) The Head of School/Business Unit shall nominate a university representative authorised to conduct an inquiry and to determine the case and shall:

- a. supply the trim case file to the nominated university representative and ensure all case evidence, reports, emails and information is recorded into the case specific trim file; and
- b. send written notification to the Student Grievance Unit case manager the name of the nominated university representative together with the date of nomination.

(40) The Student Grievance Unit case manager shall:

- a. monitor the progress of the case under the governing policy and procedure;
- b. send reminders to the relevant university representative of pending and expired due dates;
- c. liaise between the university representative and the aggrieved person;
- d. obtain case updates from the university representative every ten working days;
- e. send the aggrieved person updates every 10 working days; and
- f. where it is not possible to supply a case update within 10 working days as required under (d) and (e) an explanation will be provided within this period.

(41) Upon conclusion of the case:

- a. the university representative shall inform the Student Grievance Unit case manager in writing of the outcome of the case together with any corrective and preventative actions and/or business improvement recommendations; and
- b. the SGU case manager will inform the aggrieved person in writing of the outcome of the case only together with notification of their right of appeal and review, if applicable.

(42) All corrective and preventative actions together with all business improvement recommendations will be sent to the UNE Compliance System Manager and the Internal Audit for inclusion in School/Business Unit Audits.

(43) An annual summary of grievances, corrective and preventative actions together with all business improvement recommendations will be reported to the Academic Board for noting. A copy will be provided to the Office of Planning and Quality for quality and planning purposes.

Case referral

(44) Where a grievance has been assessed as suitable for referral, the Student Grievance Unit shall appoint a case manager.

(45) The Student Grievance Unit case manager will:

- a. obtain sufficient information and evidence to ascertain if a prima facie case exists;
- b. record of all case evidence, reports, emails and records into a case specific trim file;
- c. contact the relevant Head of School/ Business Unit or authorised university representative;
- d. send a formal written notification of the referral to the relevant Head of School/Business Unit or authorised university representative together with the case specific trim reference number;
- e. liaise between the relevant Head of School/Business Unit or authorised university representative and the aggrieved person if required; and
- f. where appropriate, notify the aggrieved person in writing that their matter has been addressed by referral to the appropriate Head of School/Business Unit and an inquiry commenced.

Appeals

(46) The Student Grievance Unit is the primary university unit for the recording of student appeals except or offences of plagiarism. (Appeals regarding offences of plagiarism refer to relevant policy and procedure)

(47) The University must provide the right of appeal for a reversal, change or reconsideration of the decision where a person is not satisfied.

(48) Appeals are managed within the respective UNE rules and policies.

(49) Appeals must be submitted within the timelines set down by the governing UNE rules or policy to the SGU.

(50) On receipt of an appeal, the Student Grievance Unit shall:

- a. register the appeal and create a trim container specifically for that appeal;
- b. acknowledge receipt of the appeal in writing to the appellant and/or lodging School or Unit within three working days of receipt; and
- c. refer the appeal and the trim container to the appropriate appeal officer or panel as determined by the governing UNE policy or rules, within three business days.

(51) Where it is not possible to acknowledge and refer an appeal within three working days as required under (b) and (c) an explanation will be provided.

Role of NSW Ombudsman

(52) The role of the NSW Ombudsman is to ensure that members of the University community are treated fairly by individuals, offices, committees, boards or any other group within the University.

(53) The NSW Ombudsman:

- a. will review a complaint only when approaches to the appropriate university officers or the SGU have been completed;
- b. conduct a review of the processes involved with a grievance;
- c. cannot alter the final outcome of a grievance;
- d. can only make recommendations;
- e. is not an alternative avenue of appeal.

(54) If you are not sure what your options are, or if you wish to discuss your concerns in confidence, you may contact the NSW Ombudsman.

Statutory Agencies

(55) This procedure 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).

Independent Advocacy

(56) Independent advocacy may be available to students through UNE Life Advocacy & Welfare, which offers the services of an Independent Student Advocate.

Compliance

(57) All UNE Representatives and Students must comply with this procedure. A failure to comply with this procedure may amount to disciplinary action.

Section 4 - Definitions

(58) 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.

(59) 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.

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

(61) Grievance means:

- a. a real or imagined cause for complaint, especially unfair treatment;
- b. 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; and/or
- c. 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.

(62) 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.

(63) 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.

(64) 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

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