



# GRIEVANCE PROCEDURES: ACADEMIC MATTERS

The following policy and the review procedures are based on the Higher Education Provider Guidelines, the DEST Application and Information Packs and the Higher Education Support Act 2003 (section 19-45-60).

The person affected by a disputed matter be given the right to present his/her case including the opportunity to be heard, be provided with adequate notice of the allegations and the procedures to be used; and members of the decision making body be free of bias or other personal interest in the outcome.

Under these procedures the complainant and respondent will not be victimised or discriminated against as a result of a grievance being raised.

This policy is communicated to academic and support staff through the Oceania Polytechnic Institute of Education academic staff handbook. The Head of School is responsible for the training of academic staff in the application of this policy. The Manager Client Services is responsible for the training of support staff in its application.

Under these procedures these procedures the complainant and/or respondent have a right to be represented by a third person (such as a family member, friend, counsellor or other professional support person but not a lawyer) if they so desire.

In these guidelines, the following lodgement guidelines apply:-

A formal notice of grievance shall be posted to the Registrar, Oceania Polytechnic Institute of Education or lodged in person at, Oceania Polytechnic Institute of Education, Level 3, 446 Collins Street Melbourne Victoria 3000.

Students or persons seeking to enrol in course of study are entitled to access the grievance procedure, regardless of the location of the campus at which the grievance has arisen, the student's place of residence or the mode in which they study.

A formal review of an investigation shall be posted to the Head of School, Oceania Polytechnic Institute of Education or lodged in person at, Oceania Polytechnic Institute of Education, Level 3, 446 Collins Street Melbourne Victoria 3000.

A request for an external review of a decision shall be posted to The Executive Officer, Australian Council for Private Education and Training, Suite 101 – Level 1, 126 Wellington Parade, East Melbourne Vic 3002.

The grievance policy and review procedures will be published in student application packs and on the website at [www.opie.vic.edu.au](http://www.opie.vic.edu.au).

Access to the grievance procedure should be at no or minimal cost to the complainant. Apart from travel expenses there is no charge to the complainant accessing the review procedures established by Oceania Polytechnic Institute of Education.

The procedures of the policy do not replace or modify procedures or any other responsibilities that may arise under other higher education provider policies or under statute or any other law.

This policy applies to complaints by current students or those seeking to enrol with Oceania Polytechnic Institute of Education.

## Procedure 1 Informal resolution

1.1 In the first instance, the student (which includes a prospective student) should discuss the grievance informally with the relevant academic staff member who should try to resolve the dispute. Where a student is unable to make contact with or is reluctant to approach the relevant academic staff member, the student may then raise the matter with the Head of School.



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1.2 Students have up to fourteen (14) working days to initiate the informal review process, from the date of the occurrence which gives rise to the grievance or the date the circumstances giving rise to the grievance are brought to the student's notice/the student becomes aware of the circumstances giving rise to the grievance.

1.3 During the informal process, the academic staff member/ Head of School (as the case may be) may take such action as deemed appropriate to resolve the matter. This must include discussing the matter with the student.

1.4 The informal resolution process must be completed within ten (10) working days from the date on which the student contacted the relevant academic staff member. The Head of School may grant an extension not exceeding five (5) working days if it seems likely that the matter will be resolved in that time.

1.5 The student will be advised in writing within two (2) working days of the conclusion of the informal resolution process (by Express Post notice to the student's semester address.)

### 2 Formal resolution

2.1 If a student is not satisfied with the outcome of the informal resolution process, he/she may submit a formal grievance in writing to the Head of School. This request must be submitted within five (5) working days of the date of notification of the outcome of the informal resolution process.

2.2 The student will be informed of the outcome in writing within ten (10) working days of submission of the formal grievance as identified by the date of receipt by the Academic Council of the student's letter.

2.3 If the Head of School and all suitable nominees have already been involved in the process, or have some other conflict of interest, the Chairman of the Academic Council will appoint another person to investigate the formal grievance.

### 3. Appeals

3.1 A student has the right of appeal to the Student Grievance Appeals Committee from a decision of the Head of School on one or more of the following grounds:

- (i) that the case was not heard on its merits;
- (ii) that the student is able to provide new evidence which could not reasonably have been provided at the time of the Academic Director's investigation.
- (iii) that a procedural irregularity has occurred in the hearing of the grievance during the investigation by the Head of School.

3.2 A student who wishes to appeal against a decision of the Head of School shall lodge the appeal in writing with the office of the Student Grievance Academic Committee Member; within five (5) working days of receipt of written notification of the decision of the Head of School. Upon lodgement of the written appeal, the Student Grievance Academic Committee Member will determine whether the appeal complies with the criteria for appeal.

3.3 Where, in the opinion of the Student Grievance Academic Committee Member, the appeal does not comply with one or more of these criteria and therefore should not be heard by the Appeals Committee, the Student Grievance Academic Committee Member will refer the appeal to the Chairman of the Academic Council for a final decision on whether the appeal is to be rejected or a Student Grievance Appeals Committee convened to hear the appeal.

3.4 Where an appeal has not been rejected, the Student Grievance Academic Committee Member will forward the appeal to the appropriate Student Grievance Appeals Committee

3.5 Where an appeal has been forwarded to the Student Grievance Appeals Committee, a meeting of the Committee shall be convened within 15 working days of lodgement of the letter of appeal. All participants shall be given at least 5 days notification in writing of the time, date and place at which the appeal is to be heard. Notification will be forwarded to the student via express mail to his/her semester address.

3.6 The hearing shall be held in camera. The Committee shall regulate its own proceedings. The Committee may call before it any witnesses to provide additional evidence.



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3.7 The student shall be given the opportunity to appear in person before the Committee and to call witnesses. An advocate, who is not a member of the Committee and is not a legal practitioner, may represent the student.

3.8 The student must be given the opportunity to hear and examine the evidence of all witnesses called before the Committee.

3.9 The Committee must hear the matter on its merits, taking account of all of the circumstances of the case.

3.10 After consideration of all of the available evidence, the Committee shall reach its decision by consensus.

3.11 The student will be notified of the decision and reasons for the decision in writing by express post within five (5) working days of the Committee's decision being made.

3.12 After the appeal, if one or both parties are still unhappy with the Grievance Appeals Committee's decision, the unsatisfied party or both parties will be notified of their ability to use external mediator Services. Oceania Polytechnic Institute of Education will share the cost of external mediator services if Oceania Polytechnic Institute of Education happens to be one of the parties in dispute. ACPET (Australian Council for Private Education and Training) provides a mediator service, which is external to Oceania Polytechnic Institute of Education. The institute accepts selection by students/nominees of only those mediators included in the panel maintained in the relevant ACPET State office.

Australian Council for Private Education and Training (ACPET)  
ACPET State Office  
Suite 101, Level 1, 126 Wellington Parade  
East Melbourne Victoria 3002  
Tel: (03) 9416 1355  
Fax: (03) 9416 1895  
Website [www.acpet.edu.au](http://www.acpet.edu.au): Email [vic@acpet.edu.au](mailto:vic@acpet.edu.au)

Grievance will be addressed within 30 days.

If Australian Council for Private Education and Training (ACPET) makes recommendations in relation to a grievance they have reviewed, (ACPET) will forward those recommendations to the Head of School of Oceania Polytechnic Institute of Education within fourteen 14 working days who will ensure that the recommendations are implemented within a period of 30 days.

#### 4 Record Keeping

4.1 All outcomes, decisions and dealings associated with the pursuit of a grievance under this Policy and Procedures, and any appeals arising there from are confidential and are to be managed in accordance with the Oceania Polytechnic Institute of Education's policy on confidentiality of student records.

4.2 Confidentiality will be strictly observed throughout the grievance process.

4.3 Records of all grievances, applications for review of decisions and outcomes of the grievance process will be strictly confidential and filed in a separate file (not kept on the student or staff file) and stored in the office of the Head of School for a period of 5 years. Parties to the complaint will be allowed supervised access to these records.

Approved 23<sup>rd</sup> November 2007  
Head of OPIE