



Wollongong College Australia

A College of the University of Wollongong

Australia

Wollongong

Student Grievance Policy and Procedure

Academic Complaints and Appeals

Wollongong College Australia
A trading division of ITC Education Limited
CRICOS Provider Code 02723D
A University of Wollongong Enterprise ABN 14105312329

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Approved by WCA Academic Board

Reference
and
Legislation

- Student Handbook
- Student Grievance Policy – Non Academic
- National Code of Practice for Providers of Education and Training to Overseas Students 2007

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1. Aim

Wollongong College Australia (the College) provides a fair, equitable and productive learning environment for all its students. This policy provides a transparent and consistent process for resolving grievances of students.

The policy affirms the following College guiding principles:

- a commitment to the principles of equal opportunity and social justice
- accountability to students and the College community
- high ethical standards, including cooperation, tolerance and acceptance of obligations as well as rights
- active support for the educational and cultural needs of students.

2. Scope

This policy sets out the general approach of the College in resolving academic grievances.

3. Definitions

“grievance” (complaint) refers to any type of problem or concern raised by a student about the enrolment process, treatment by staff or other students, the application of academic and non academic policies, the study environment or any academic related matters.

“academic grievance” refers to study or educational matters. Examples may include the following:

- unfairness in a formal assessment
- disagreements over academic matters
- inappropriate treatment or discrimination by staff or other students
- disagreements over attendance matters
- allegations of plagiarism.

“non-academic” refers to issues that do not relate to academic matters. Examples may include the following:

- harassment by staff or other students
- inappropriate treatment or discrimination by staff or other students
- health and safety issues.

Refer to the College’s Student Grievance Policy – Non academic Complaints and Appeals for more information.

Grievances can be dealt with formally and informally.

Examples of grievances that might be dealt with **formally** include:

- unfairness in a formal assessment situation (academic)
- decisions relating to letters of release (non academic).

Examples of grievances that might be dealt with **informally** include:

- minor classroom irritations
- resource difficulties (internet connections, faulty equipment).

“complainant” refers to the person making a complaint

“appeal” refers to the reassessment of a complaint when the student is not satisfied with the decision or outcome

“threatening behaviour” refers to behaviour, which makes a person feel threatened and frightened

“respondent” refers to someone who responds or makes a reply to a complaint

“student” refers to a person enrolled at any of the College campuses.

4. General Principles of Grievance Resolution

The following general principles underpin the College approach to the resolution of grievances:

- 4.1 the College is committed to the early and informal resolution of grievances - students should attempt to resolve any grievances in an informal way with the person involved before initiating formal grievance resolution processes
- 4.2 parties involved in a grievance must participate in the grievance resolution process in good faith
- 4.3 grievance resolution processes should be applied fairly, flexibly and quickly
- 4.4 all parties involved in a grievance should be treated with respect and impartiality
- 4.5 the principles of natural justice should be observed - parties involved in a grievance have a right to a fair hearing and to have a decision made by an unbiased decision-maker
- 4.6 the confidentiality of parties involved in a grievance should be respected at all times, subject to the need to fully investigate the matter and any legal requirements for disclosure
- 4.7 both the complainant and/or respondent have the right to be represented by a third person and may nominate someone, at minimal or no cost to him or herself, to represent them - in this case they will need to give the College written authorisation to disclose their personal information to their representative
- 4.8 students are able to raise issues of concern in an environment free from fear of retribution, victimisation or breach of confidentiality
- 4.9 reasons and full explanations for decisions and actions taken will be kept in writing by the most senior person handling the case and will be provided to both the complainant and/or representative at every stage of the grievance process - records of grievances remain confidential
- 4.10 the College will maintain a student's enrolment throughout all stages of the appeals process for all types of complaints and appeals, except if

- 4.11 the College supports an active approach to informing student of policies and procedures - this grievance policy is outlined to students in student orientation sessions at the beginning of each session, and given to staff at induction
- 4.12 students or persons seeking to enrol in a course of study are entitled to access this 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
- 4.13 where applicable, either the College or the student may ask for an interpreter to be present
- 4.14 this policy/procedure does not replace or modify policy/procedures or any other responsibilities which may arise under other higher education provider policies or under statute or any other law.

5. Process

There are five stages in the College academic grievance resolution process:

- Stage 1: Informal approach to person directly involved in the decision or incident
- Stage 2: Formal grievance referred to the Program Manager
- Stage 3: Referral to the Director of Colleges
- Stage 4: Appeal to the College Academic Board for academic matters
- Stage 5: Appeal to external authorities

6. Stages of the Process

Stage 1 – Informal Resolutions

Students who have a question or concern about a decision, act or omission that affects their experience at the College should first, if possible, approach the person(s) directly involved to discuss the matter. They may also seek advice or support informally from other appropriate persons at the College (eg Student Advisers or teachers).

Stage 2 – Formal Grievance Referred to the Program Manager

Where a matter is not resolved informally under Stage 1, students may lodge a written application for the grievance to be formally resolved in accordance with the College's grievance procedures. Students need to complete a *Student Grievance Report Form*. This form is available from the College reception and the College website. Students are strongly advised that it is in their best interests to start the process as early as possible.

Applications should be addressed to the relevant Program Manager, who will attempt to resolve the matter directly and will ensure that students receive all information about the grievance process.

After examining the relevant documentation and speaking to the student and other relevant parties where appropriate, the Program Manager will take action that may include one of the following:

- Review the process to date to determine whether the correct process has been followed
- Consider any new evidence provided
- Determine an outcome

Notification to Student

The Program Manager will notify the student, in writing, of the outcome including reasons for the decision, within 10 working days of receiving written notice from the student. The Program Manager will also notify the student of their right to appeal to the Director of Colleges within 10 working days of being notified of the decision.

Stage 3 – Referral to the Director of Colleges

Where a student is not satisfied with the decision or outcome at Stage 2, the complainant may appeal the decision in writing to the Director of Colleges within 10 working days of receiving a response from Stage 2 of the process. Students are strongly advised that it is in their best interests to start the appeal process as early as possible.

After examining the relevant documentation, including consultation with the Campus Director and speaking to the student and other relevant parties where appropriate, the Director of Colleges will take action that may include one of the following:

- Review the process to date to determine whether the correct process has been followed
- Consider any new evidence provided
- Determine an outcome

Notification to Student

The Director of Colleges will notify the student, in writing, of the outcome including reasons for the decision, within 10 working days of receiving written notice from the student. The Director of Colleges will also notify the student of their right to appeal to the Academic Board within 10 working days of being notified of the decision.

Stage 4 – Appeal to the College Academic Board

A student who has exhausted all of the grievance resolution processes in Stages 2 and 3 may appeal the decision to the College Academic Board. The College Academic Board will form an appeals committee to investigate the grievance. The appeals committee will consist of the Chair and 2 other members, as nominated by the Chair. A student may appeal to the College Academic Board on the grounds that:

- due process was not adhered to
- the decision of the Head, College Network was unfair.

An appeal to the Secretary, WCA Academic Board must be lodged in writing within 10 working days of receiving written notification of the decision of the Head, College Network. Students are strongly advised that it is in their best interests to lodge their appeal as early as possible. The appeal must state

fully the reasons for the appeal and include any relevant documentary evidence to support the appeal.

The Secretary, will notify the student, in writing, of the outcome within 28 days of receiving written notice from the student.

The Secretary, will also notify the student of their right to appeal to an independent/external body if the student considers the decision of the College Academic Board to be unfair.

Stage 5 – Appeal to External Authorities

Students who are not satisfied with the decision of the College Academic Board may, within 10 working days of notification of the decision made in Stage 5 of the process, request the matter be dealt with through an external dispute resolution process.

In all cases where a student asks for a decision to be reviewed the General Principles on Grievance Resolution as outlined in section 4 of this policy and procedure will be applied.

Contact details for external authorities are provided in Section 11 of this policy/procedure. Students are advised it is in their best interest to notify the college if they appeal to an external authority.

7. Appeals against Decisions that Affect the Student's Visa

In cases where the College has made a decision that will affect their student visa and the student chooses to appeal the decision, the appeal process will commence at Stage 3.

In these cases, the appeal to the Director of Colleges must be lodged in writing within 20 days of receiving written notification of the decision; however students are strongly advised that it is in their best interests to lodge their appeal as early as possible. The appeal must state fully the reasons for the appeal and include any relevant documentary evidence to support the appeal.

The Director of Colleges will notify the student, in writing, of the outcome within 10 working days of receiving written notice from the student.

The Director of Colleges will also notify the student of their right to appeal to the College Academic Board within 10 working days of notification of this outcome.

In cases where the decision will result in the student being reported to the Immigration Department for unsatisfactory progress or attendance, the College will await the outcome of only one external appeals process before reporting the student. If a student wishes to access further appeals processes after being reported, the student will need to discuss this with the Immigration Department.

8. Record Keeping

Reasons and full explanations for decisions and actions taken will be kept in writing by the most senior person handling the case and will be provided to both the complainant and/or representative at every stage of the grievance process, if requested. Written records of grievances remain confidential and are kept for at least seven years.

9. Withdrawing a Complaint or Appeal

Students may withdraw a complaint or appeal at any stage in the process by writing to or emailing the person handling the complaint or appeal, who will notify relevant parties in writing that the complaint or appeal is concluded.

10. Contact Details

For Wollongong students:

At Stage 2: Program Manager
At Stage 3: Director of Colleges
At Stage 4: Secretary, WCA Academic Board

Address: Wollongong College Australia
Locked Bag 8812
South Coast Mail Centre
NSW 2521

11. External Authority

NSW Office of the Ombudsman

Phone: 1800 451 524

Website: www.ombo.nsw.gov.au

Email: nswombo@ombo.nsw.gov.au

Recommendations arising from an external review

If the Office of the Ombudsman makes recommendations arising in relation to a grievance they have reviewed, the Office of the Ombudsman will forward, the timeframe will vary according to the complexity of the case, those recommendations to the Head, College Network, who will ensure that the recommendations are implemented within five (5) working days.

12. Version Control and Change History

| Version Control | Date Approved | Date Effective | Approved By | Amendment |
|-----------------|---------------|----------------|--------------------------------------|--|
| 1 | 08/11/07 | 16/11/07 | WCA Academic Board | |
| 2 | 03/02/09 | 09/02/09 | Julie Renwick – (minor amendment) | External authority list amended. NZ references removed, Reference to 10 days to submit grievance deleted |
| 3 | 10/09/09 | 19/10/09 | WCA Academic Board | reduction in the number of stages, six to five, in the academic grievance resolution process |