

GRIEVANCE PROCEDURES NON-ACADEMIC

GENERAL

1 Purpose and Scope

The Sydney College of Divinity is committed to living out its vision and values in establishing and maintaining a harmonious and supportive environment conducive to study and personal development. The Sydney College of Divinity has a responsibility under legislation to ensure students are not subjected to discrimination, harassment, vilification or victimisation. We recognise that students may sometimes feel they have experienced disadvantage or distress, and will ensure that grievances are responded to promptly, with minimum stress and maximum protection for all concerned.

This non-academic grievance procedure applies to all currently enrolled students or persons seeking to enrol in Sydney College of Divinity approved courses of study at Sydney College of Divinity Member Institutions, 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. It provides a mechanism for addressing grievances on administrative matters such as institutional practices, financial issues or resources. For example, students who have been obliged by special circumstances to withdraw from study after a census date may disagree with decisions made in relation to their fees. Fairness demands that these and other concerns be responded to promptly and handled in a consistent and transparent manner.

This policy details the way in which student grievances of a non-academic nature are processed. *Guidelines for Students Raising a Non-academic Grievance* is a shorter text aimed at giving students an overview of the information needed to lodge a grievance regarding a non-academic issue. This 'Student Grievances – Non-Academic Policy and Procedures' document is communicated to all students, and to both academic and support staff. Besides this *Handbook*, it is also to be found

- on the Sydney College of Divinity website www.scd.edu.au;
- on each Member Institution website;
- in each Member Institution *Handbook*.

These procedures do not replace any other responsibilities which may arise under other Higher Education Provider Policies or under statute law.

2 Responsibilities

Sydney College of Divinity Dean

Sydney College of Divinity Registrar and other staff

Staff of the Sydney College of Divinity's Member Institutions including:

Senior Staff

Department Heads

Registrar

Dean of Students

Academic Dean

Students

3 Grievance Procedure

3.1 Before an Issue Becomes a Formal Grievance

We encourage students, wherever possible, to resolve concerns or difficulties directly with the person(s) concerned. Within each Member Institution the Dean of Students and the Student Counsellors are available to assist students at this level.

3.2 What is a Grievance?

A grievance is a statement of concern reported to a person in authority at Sydney College of Divinity that requires action or response from the Sydney College of Divinity. A grievance can be about any kind of situation or process affecting the student, and can be against a person or people at the SCD and its Member Institutions.

A grievance is not part of the regular student feedback the Sydney College of Divinity encourages in its continuing commitment to quality improvement, but rather a formal complaint requesting action or response. Generally the Sydney College of Divinity will not act on anonymous complaints. However, staff must refer all complaints, anonymous or otherwise, about abuse of children or young people to the Dean.

3.3 Principles in Grievance Handling

Staff handling grievances should do everything in their power to ensure the following principles are upheld:

Confidentiality – All parties have an obligation to maintain confidentiality of both process and records. Generally fairness requires that the respondent knows who has lodged the grievance.

Impartiality/Procedural Fairness – Grievance handlers must implement the policies and procedures of the SCD, and employ principles of openness, honesty and fair dealing throughout their communications, investigations, reporting and record keeping. Both the student complainant and the respondent (person against whom the grievance is made) must receive appropriate information, support and assistance in resolving the grievance.

Freedom from Unfair Repercussions or Victimisation – Fear of victimisation prevents many students from lodging a grievance. The SCD will take all necessary steps to ensure that victimisation does not occur. Any staff member who victimises a student may be subject to disciplinary action.

Sensitivity – All grievances must be dealt sensitively, and with care for all involved.

Timeliness – Grievances must be dealt with quickly, since undue delay in responding to a grievance may provide ground for further complaint. The aim must be to achieve resolution of a complaint within four weeks of the complaint being lodged. It is important that the complainant and the respondent are kept informed about the progress of the complaint at regular intervals, and advised if resolution of the matter is likely to extend beyond four weeks.

3.4 The Process

Under normal circumstances, it would be expected that a student or person enrolling at a particular Member Institution would lodge their grievance within that Member Institution.

For reasons of perceived victimisation or otherwise within that Member Institution, the student may choose to lodge the grievance direct with the Sydney College of Divinity. Accordingly, there are **two** processes specified in this Policy. The **place of lodgement** of the grievance will determine which of the two processes will be followed. In either process, the complainant or respondent will not be victimised or discriminated against in any of the three stages of the procedure.

3.4.1 Lodgement of Grievance at the Member Institution

Students or people seeking to enrol in any accredited course of SCD have three stages at which a complaint may be addressed. Each stage is free of charge to the complainant, except an approach to the Administrative Appeals Tribunal.

Stage 1 Students may approach any member of staff of their Member Institution with a grievance. The staff member approached advises the student regarding:

- the grievance procedure, referring them to the *Guidelines For Students Raising a Non-Academic Grievance*;
- the person with whom the grievance should be raised;
- the student's right to be accompanied and assisted by a friend throughout the process;
- the expected time frame for resolution, normally no more than four weeks.

Unless the staff member and the student agree that the grievance should be handled by another person, the staff member approached becomes the grievance handler.

On receiving a grievance, the grievance handler shall:

- advise any respondent(s) of their right to be accompanied and assisted by a third party, if so desired.
- acknowledge its receipt within seven days;
- facilitate resolution in a timely manner, which would normally be no more than four weeks;
- where other parties are involved, monitor the process to ensure a mutually acceptable resolution is reached without undue delay;
- give the student comprehensive written advice about the outcome;
- complete the *Grievance Response Form* with the student;
- forward records to the Registrar's Office for confidential storage for at least five years. Parties to the complaint will be allowed supervised access to these records.

Stage 2 If a grievance remains unresolved by the process outlined above, the grievance handler should refer it to the Principal for investigation. The Principal may appoint a Grievance Committee of three members of senior staff of the Member Institution, none of whom has been involved in the handling of the grievance. The Grievance Committee will deal with the complaint within a reasonable time, normally within four weeks of receiving the complaint from the Principal.

Stage 3 If not satisfied with the decision of the Grievance Committee or the time taken to deal with the grievance, the complainant may request that the matter be referred to the SCD for external resolution. The Dean of SCD may appoint a Grievance Committee of three members, none of whom will be from the Member Institution involved. The complaint will be addressed within four weeks.

For procedures relating to the re-crediting of FEE-HELP balances see pages 35-36.

3.4.2 Lodgement of Grievance at SCD

Stage 1 Students may approach any member of staff of the Sydney College of Divinity with a grievance. The staff member approached becomes the grievance handler, and advises the student regarding:

- the grievance procedure, referring them to the *Guidelines For Students Raising a Non-Academic Grievance*;
- the person with whom the grievance should be raised;
- the student's and respondent's right to each be accompanied and assisted by a friend throughout the process if desired;
- the expected time frame for resolution, normally no more than four weeks.

On receiving a grievance, the grievance handler shall:

- acknowledge its receipt within seven days;
- facilitate resolution in a timely manner, which would normally be no more than four weeks;
- where other parties are involved, monitor the process to ensure a mutually acceptable resolution is reached without undue delay;
- give the student comprehensive written advice about the outcome;
- complete the *Grievance Response Form* with the student;
- forward records to the Registrar's Office for confidential storage for at least five years. Parties to the complaint will be allowed supervised access to these records.

Stage 2 If the grievance remains unresolved by the process outlined above, the grievance handler should refer it to the Dean of Sydney College of Divinity for investigation. The Dean may appoint a Grievance Committee of three senior persons drawn from throughout the Sydney College of Divinity Member Institutions, none of whom will

come from the Member Institution involved. The Grievance Committee will deal with the complaint within a reasonable time, normally within four weeks.

Stage 3 If not satisfied with the decision of the Grievance Committee or the time taken to deal with the grievance, the complainant may request that the matter be referred beyond the SCD for external resolution. The Dean may appoint a Grievance Committee of three senior persons external to the SCD and its Member Institutions. The complaint will be addressed within four weeks.

At all stages of the process, reasons and a full explanation in writing for decisions and actions taken as part of the procedures must be given if so requested by the complainant and/or respondent.

In any situation where the complainant seeks a review of a reviewable decision, the Dean is obliged to acknowledge receipt of that application in writing. It must also inform the complainant that, if the reviewer has not advised the applicant of a decision within 45 days of receiving the application for review, the reviewer is taken to have confirmed the original decision.

The Dean of Sydney College of Divinity must inform complainants of their right to apply to the Administrative Appeals Tribunal for a review of the decision; and provide contact details of the closest Administrative Appeals Tribunal Registry, and the approximate costs of lodging an appeal with the Administrative Appeals Tribunal.

3.5 Guidelines For Handling a Grievance

If staff are consulted by a student with a grievance they should:

- Ensure that there is a quiet place to meet and have enough time to listen sensitively. They should try to let the student present issues without prejudging or commenting. If the student is distressed, referral to a relevant person such as the Dean of Students or a Student Counsellor may be appropriate.
- Advise the student that he/she may be accompanied and assisted by a friend throughout the grievance process.
- If the grievance does not relate to the grievance handler's area of responsibility, advise the student where the grievance might preferably be directed. If the grievance is lodged at an appropriate level of authority, refer the student to the right person. For example, within the Member Institution, a Dean may refer a grievance in the first instance to the student's Head of Department.
- Ask the student what avenues he/she has already explored towards resolution. Clarify whether the student is requesting any action, and what that action might be. If appropriate, encourage the student to raise the matter directly with the person or persons concerned, providing support and assistance if necessary.
- If resolution cannot be achieved at this level ask the student to submit the grievance in writing, using the *Student Grievance Notification Form* in the *Guidelines for Students Raising a Non-Academic Grievance*.
- If the grievance concerns academic assessment, direct the student to the *Guidelines for Students Raising an Academic Appeal* available at the Member Institution's Administration Office.
- If the grievance concerns a decision made by the FEE-HELP Review Officer on the re-crediting of the student's FEE-HELP balance, direct the student to the *FEE-HELP Review Procedure* in the student handbook, and the *Guidelines for Students Raising a Non-Academic Grievance*.
- If the grievance relates to alleged unlawful behaviour, refer it to the Principal if the grievance has been lodged within the Member Institution, or to the Dean of Sydney College of Divinity if the grievance has been lodged within the Sydney College of Divinity.
- If the grievance handler can facilitate a resolution of the grievance without investigation, undertake the appropriate resolution process. The grievance handler and the student should

complete the *Grievance Response Form*. The grievance handler will then forward a record of the proceedings to the Registrar for confidential storage.

- If the student wishes to seek further resolution, the grievance handler should try to facilitate effective communication between all parties involved while undertaking investigation of the allegations.
- If the grievance remains unresolved in a timely manner within a Member Institution, the grievance handler should refer it to the Principal for investigation. The Principal may appoint a Grievance Committee of three senior members of staff of that Member Institution, none of whom have been involved in the handling of the grievance. Tell the student what you are doing and how long you expect a resolution to take.

On the other hand, if the original grievance had been lodged with the Sydney College of Divinity, and it remains unresolved in a timely manner, the grievance handler should refer it to the Dean of the Sydney College of Divinity. The Dean of the Sydney College of Divinity may appoint a Grievance Committee consisting of three senior members drawn from throughout the Sydney College of Divinity Member Institutions, none of whom will come from the Member Institution involved.

- Take all possible steps to ensure that no victimisation occurs as a result of the grievance being raised.
- Steps in the investigation process should include:
 - clarifying and documenting details of the complaint;
 - interviewing witnesses and asking for an account of incidents where appropriate;
 - interviewing the respondent, outlining specific allegations made, and giving them the opportunity to make a full response;
 - considering the relevant evidence;
 - making judgments on such issues as probability, reasonableness, appropriateness;
 - making referrals as appropriate;
 - carefully documenting the process and all decisions made or actions taken.
- Possible outcomes might be:
 - the student, having received advice and support, addresses the matter directly with the respondent;
 - the student receives an apology, or the issue that was the basis of the complaint is modified;
 - a mutually acceptable resolution is reached through mediation, whether internally within the Member Institution or within Sydney College of Divinity.
- Be sure to monitor the outcome and give the student comprehensive written advice. It is not always possible to achieve a satisfactory outcome from the student's perspective, but the response should make it clear that all aspects of the complaint have been investigated and responded to.
- Inform the student of avenues of appeal available to review the grievance handling. This will depend upon where the initial grievance was lodged.

If the initial grievance was lodged with the Member Institution, advise the student as follows:

1. For general grievances relating to the Member Institution's practices:

INTERNAL

- Grievance Committee appointed by Principal

EXTERNAL

- Grievance Committee appointed by Sydney College of Divinity
- Administrative Appeals Tribunal

2. For decisions related to FEE-HELP balances:
 - INTERNAL
 - FEE-HELP Review Officer
 - EXTERNAL
 - Administrative Appeals Tribunal
3. For grievances related to unlawful behaviour:
 - EXTERNAL
 - Principal to refer to appropriate organisation for advice and action
4. For Grievance related to the abuse of children or young people:
 - EXTERNAL
 - Principal to refer to appropriate organisation for advice and action.

Forward full documentation to the Registrar for confidential storage for a minimum of five years, during which time parties to the complaint have appropriate access to these records.

If the initial grievance was lodged with the Sydney College of Divinity, advise the student as follows:

1. For general grievances relating to the a Member Institution's or Sydney College of Divinity's practices;
 - INTERNAL
 - Grievance Committee appointed by the Dean
 - EXTERNAL
 - Grievance Committee external to SCD and Member Institutions, appointed by the Dean
2. For decisions related to FEE-HELP balances:
 - INTERNAL
 - HELP Review Officer
 - EXTERNAL
 - Administrative Affairs Tribunal
3. For grievances related to unlawful behaviour
 - EXTERNAL
 - Dean to refer to Principal of Member Institution involved
4. For grievances related to the abuse of children or young people
 - EXTERNAL
 - Dean to refer to Principal of Member Institution involved

Forward full documentation to the Registrar for confidential storage for a minimum of five years, during which time parties to the complaint have appropriate access to these records.

Grievance Handling Checklist

- When talking to the student staff should :
 - Set up a quiet meeting place.
 - Assess the level of stress, and recommend additional support if necessary e.g. Student Counsellor.
 - Explain your role, the Policy and Procedures.

- Explain the concepts of natural justice and confidentiality.
 - Listen as the student explains the issues.
 - Ask for supporting evidence.
 - Ask what the student thinks will fix the problem.
 - Give the student advice about the range of options that might be available, e.g. the student handles it, you handle it, you refer it on.
 - Explain what will happen next. If you are not sure, make another appointment to see the student.
 - Tell the student who you need to talk to.
 - Remind the student about the need for confidentiality, and that he/she should not talk to others while you are looking into the matter.
 - Take notes about the important details of the meeting.
 - Check that you are the appropriate person to deal with the matter. Discuss with your Principal, Registrar or Dean, as appropriate if in doubt. If you are not the right person, refer the student to the appropriate person as soon as possible.
- When talking to the Respondent staff should:
 - Prepare for this interview.
 - Explain the purpose of the meeting and how the grievance procedure works.
 - Tell the respondent the details of the grievance, and explain why his/her actions may be seen as inappropriate.
 - Reassure the respondent that you will act impartially, that you have not prejudged , and that you are looking for a resolution.
 - Listen to the respondent's side of the story, and check you have understood.
 - Ask what the respondent thinks will fix the problem.
 - Remind the respondent about the need for confidentiality, and that he/she must not victimise or hassle the complainant or others involved.
 - Provide information on support available.
 - Explain what you will do next and when you will next contact the respondent.
 - Note down the important details of the meeting.
 - Gather any additional information, and seek advice you need.
 - Decide how the complaint could be resolved, e.g. conciliation, management decision, referral.
 - Inform the complainant and respondent separately giving clear reasons for your decision and discussing your expectations about standards of professional behaviour now required.
 - Inform the complainant and respondent of the avenues of appeal available.
 - Monitor the situation to ensure there is no repeat of the problem.
 - Complete the paperwork and forward to the Registrar's office for confidential storage.

The following also form part of the Policy and Procedures:

- 1. Grievance Lodged at Member Institution
Student Grievance Resolution Flowchart
- 2. Grievance Lodges at SCD
Student Grievance Resolution Flowchart
- Student Grievance Notification Form
- Student Grievance Response Form