Academic Grievance Policy and Procedures

Overview

The Heath Arts College Pty Ltd is committed to providing an effective, efficient, timely, fair and confidential academic grievance handling procedure for all Students.

Complainants are entitled to access the grievance procedures regardless of the grievance which has arisen, the Complainant's place of residence or mode of study.

Academic Matters may include training, delivery and assessment; the quality of the training; course content or assessment outcome

Natural Justice is concerned with ensuring procedural fairness:

- Decisions and processes should be free from bias
- All parties have the right to be heard.
- The respondent has a right to know of what s/he is accused
- All parties are told the decision and the reasons for the decision.

Definitions

For the purposes of this document the following applies:

**The Act** refers to the *Higher Education Support Act 2003*

**Student/s** refers to all persons enrolled or seeking to enrol in a unit of study that meets the course requirements under sub-clause 45(1) of Schedule 1A of the Act who are, or would be entitled to VET-FEE-HELP assistance under clause 43 of Schedule 1A of the Act.

**Complainant/s** refers to students (as defined above) who have lodged an academic complaint with The Heath Arts College Pty Ltd

**The College** refers to The Heath Arts College Pty Ltd

Responsibility

The CEO is responsible for implementation of this policy and procedure and ensuring that all staff is fully trained in its operation and Students and Complainants are made aware of its availability.

Grounds for Lodging an Academic Grievance

There are only four grounds for lodging an academic grievance:
• Performance in an assessment suffered through illness or other factors which the student was unable or, for valid reasons, unwilling, to disclose before the results were awarded. A grievance under such grounds will normally be dismissed unless an acceptable explanation is given for not presenting the extenuating circumstances in advance of the results having been awarded.

• An assessment was not conducted in accordance with the approved College program regulations.

• There was a material administrative error in the conduct of an assessment or other academic decision.

• Some other material irregularity occurred in making an academic decision.

Students should also note that:

• Academic grievances may only be made against formal published decisions - NOT AGAINST INFORMAL marks or grades.

• The College will not accept academic grievances based on a claim by the student that they did not know or fully appreciate the assessment regulations and procedures, or that they were unaware of the grievance procedure, or their rights and responsibilities, which includes the process for presenting extenuating circumstances.

The Principles that Underpin these Grievance Procedures

The guiding principles of these procedures are that grievances shall be:

• Treated seriously and with fairness;

• Dealt with in a timely manner;

• Treated consistently across the College;

• Subject to the principles of natural justice;

• Progressed through informal and formal stages;

• Allow web video conferencing or other similar means where complainants cannot attend in person;

• Dealt with and resolved wherever possible without recourse to the formal stage, and shall be without prejudice to a complainant’s right to pursue legal remedies outside the College having exhausted Colleges' grievance procedures;

• The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other education provider policies or under statute or any other law.

In the event of an academic grievance:

• The complainant will be given the opportunity to present their case;

• All matters arising shall be accurately documented and recorded. Records shall be maintained for a minimum period of five years and treated as confidential in accordance with Personal Information -Privacy Policy

• A written statement of the outcomes will be issued at each stage of the process giving due reasons for decisions reached;
The complainant will have the right to have a representative present during any negotiations with The College or its appointed representatives;

- The complainant will not be required to meet any costs associated with lodging a grievance, provided the procedures contained herein are adhered to;
- The complainant shall not be subject to discrimination, victimisation or any other form of harassment as a result of actions taken under these guidelines.

The College allows parties to the complaint appropriate access to any records.

This policy is applicable to complainants within the College. It is applicable to all complainants of the College, irrespective of their place of residence, campus (within Australia) or mode of study. Complainants with the College who transfer their studies to an institution outside Australia, will have their registration with the College terminated and are required to adhere to the guidelines, policies and procedures outlined by the legal entity to whom they have transferred their registration, unless their grievance relates specifically to an instance when their registration with the College in Australia was current.

**Informal Grievance Procedure**

Prior to lodging a formal grievance, students are encouraged to discuss their concerns with the relevant staff member or Compliance Manager.

**Formal Grievance Procedure**

General principles that apply to all stages of this grievance procedure will be adhered to by The College, are:

- The Complainant and respondent will have the opportunity to present their case at each stage of the procedure.
- The Complainant and/or the respondent have the option of being accompanied/assisted by a third person (such as a family member, friend or counsellor) if they so desire.
- The Complainant and the respondent will not be discriminated against or victimised.
- At all stages of the process, discussions relating to complaints, grievances and appeals will be recorded in writing. Reasons and a full explanation in writing for decisions and actions taken as part of this procedure will be provided to the Complainant and/or respondent if requested.
- Records of all grievances will be kept for a period of five years. These records will be kept strictly confidential and stored in the office of the CEO The Heath Arts College Pty Ltd. 34-36 Ellingworth Parade, Box Hill VIC 3128
- A Complainant shall have access to this grievance procedure at (at no cost).
- Should THA consider longer than 60 calendar days to process and finalise the complaint or appeal, THA will inform the complainant or appellant in writing and include reasoning and regularly update the complainant or appellant on the progress of the matter

**Stage One**

Formal grievances should be submitted in writing to the Compliance Manager of The Heath Arts College Pty Ltd. 34-36 Ellingworth Parade, Box Hill VIC 3128.

If the grievance involves the Compliance Manager themselves they will then delegate to another senior staff member of the College.

The Complainant will be acknowledged in writing of the complaint or appeal within 5 days of receipt.

The Compliance Manager or other person will then assess the grievance and determine the outcome and advise the Complainant in writing of their decision within 10 working days.
The Complainant will be advised of their right to access stage two of this procedure if they are not satisfied with the outcome of Stage One.

**Stage Two - Appeals**

If the Complainant is not satisfied with the outcome of Stage One they may lodge an appeal in writing with Board of Directors, The Heath Arts College Pty Ltd. 34-36 Ellingworth Parade, Box Hill VIC 3128 Telephone 1300 658 326.

The Complainant’s appeal will be determined by CEO and an independent and impartial officer of The Heath Arts College Pty Ltd. 34-36 Ellingworth Parade, Box Hill VIC 3128 known as the Reviewer.

The Reviewer will conduct all necessary consultations with the Complainant and other relevant persons and make a determination of the appeal. The Complainant will be advised in writing of the outcome of their appeal, including the reasons for the decision, within 10 working days.

The Complainant will be advised of their right to progress to Stage Three of the grievance procedure if they consider the matter unresolved.

**Stage Three - External Mediation**

If the complainant is dissatisfied with the outcome of their appeal, they may refer their appeal to the Australian Mediation Association (AMA). The Heath Arts College Pty Ltd will cover cost for lodging appeals. The AMA will investigate the case, make an assessment and advise the Complainant of the outcome. The AMA Office will also notify the College CEO of the outcome of the external appeal.

The College will give due consideration to any recommendation made as a result of the external review.

If the AMA makes recommendations in relation to a grievance or appeal they have reviewed, the AMA will forward those recommendations to the College CEO who will ensure that the recommendations are implemented within 30 days.

Contact Details for the Australian Mediation Association:

www.ama.asn.au/contact-us/

**Email:**
info@ama.asn.au

**Phone:**
13000633428

**Fax:**
(07) 3257 0054

**Office hours:**
Monday to Friday - 9.00am to 5.00pm

**Notes**

In these procedures:

- Reference to a complainant is taken to include students, members of staff registered on the College programs in their capacity as students and prospective students.

- In the absence (e.g. vacation or illness) of the person holding a named post in the procedures the person deputising for them during the time of their absence shall substitute. In cases when the grievance involves the nominated deputy, a member of the Board of Directors of the College shall be consulted and shall determine who shall be responsible for handling the grievance.
This Academic Grievance Policy and Procedure will be made available to Students enrolled with The Heath Arts College Pty Ltd. 34-36 Ellingworth Parade, Box Hill VIC 3128 through publication on the website www.thacollege.edu.au and Student Handbook.

Approval

• This Academic Grievance Policy and Procedure was agreed to and ratified by The Heath Arts College Pty Ltd. 34-36 Ellingworth Parade, Box Hill VIC 3128 Board of Directors in July 2014.