

S6 - STUDENT GRIEVANCE POLICY – NON-ACADEMIC

1 PURPOSE

The purpose of the policy is:

to provide students with protection against

- wrongful, unlawful or inappropriate conduct;
- administrative practices of the Institute which may cause hardship, disadvantage, distress, or a combination of these factors;

to prevent exposure of individuals for whom the Institute owes a legal duty of care to other forms of danger, distress, economic disadvantage, and/or inappropriate or wrongful behaviour;

to provide a transparent, consistent and systematic process for students in regards to the notification of a grievance, its investigation, and its resolution;

to designate the officers of the Institute who shall have responsibility for the application and administration of this policy and its related procedure;

to mandate that a grievance against a person where criminality or similar serious misconduct is alleged is referred to police authorities.

2 BACKGROUND

BBI – The Australian Institute of Theological Education (BBI) is committed to ensuring that all students have a positive relationship with the Institute and its staff members. All staff and students at BBI are responsible in conducting themselves in an appropriate manner. However, at times, students may need to raise concerns, complaints or grievances about decisions, situations, or issues relating to their experiences at the Institute. This policy and procedure has been developed to make clear BBI's approach to this area.

3 SCOPE

This policy applies to all staff and students of BBI.

4 DEFINITIONS

NA

5 POLICY

BBI is committed to:

- ensuring that conflicts are resolved in an ethical manner;
- following transparent, ethical, and timely procedures for addressing complaints, grievances and appeals; and
- ensuring that all parties are treated equally and fairly, without fear of prejudicial treatment;
- being respectful of the privacy and reputations of the parties involved;
- according with current laws and principles of fairness;
- providing an appellate process that enables the independent review of a decision determined in response to a grievance;
- upholding the Institute's values;
- administering without charge to a bone fide grievant;

6 PROCEDURES

STUDENT GRIEVANCE PROCEDURE – NON-ACADEMIC

BBI encourages members of its community, wherever possible and appropriate, to resolve concerns or difficulties directly with the person(s) concerned. As far as prospective and enrolled students are concerned, those seeking to have a non-academic issue addressed or resolved are encouraged to raise the matter first with the Academic Dean. An authorised officer for grievances may be approached at any time in relations to the policy, process and implications of making a grievance.

The authorised officers of BBI (and their alternates in the event of their absence or involvement with the grievance) to whom a grievance is to be notified are as follows:

- For enrolled students the authorised officer is the Academic Dean and the alternative authorised officer is the CEO.
- For prospective students the authorised officer is the Academic Dean and the alternative authorised officer is the CEO.
- For both enrolled and prospective students, if the grievance relates to tuition fees, other College fees, Fee-Help assistance, or Fee-Help entitlement, the authorised officer is the Student Services Manager and the alternative authorised officer is the Director, Student Engagement and Services.

This section provides for the notification and resolution of a grievance involving non-academic matters.

- ***Stage One - Notification, Preliminary Evaluation and Advice***

Within a timeframe of seven calendar days of being notified of a grievance, the authorised officer makes an assessment of the alleged grievance and the evidence available which supports it. Unless special circumstances apply, the authorised officer ordinarily interviews the grievant with regard to the matters raised in the grievance and apprises the grievant of the policy and processes of receiving, investigating and resolving the grievance. If, on the basis of information obtained in the preliminary interview and inquiry, the authorised officer concludes that the issue(s) at the heart of the grievance can be resolved through his or her intervention, the officer may request the consent of the grievant to intervene on the grievant's behalf. If the authorised officer determines that the nature of the grievance warrants further inquiry or investigation and, if he or she has not already done so, the grievant is required to make a signed statement in the prescribed form as to the nature of the

grievance and all relevant particulars. At the conclusion of this stage, the authorised officer needs to be satisfied *prima facie* that the grievance is firstly, relevant, and secondly, not made frivolously or from malicious, vexatious or similarly improper motive.

Any grievance which is anonymous and may allege or involve abuse of a minor or is a protected disclosure of alleged corruption or wrongful conduct in the context of the Corporations Act 2001 (Cth) is reported immediately to the CEO (or other suitable officer, where relevant).

If the authorised officer is satisfied *prima facie* that there is no basis to the grievance, the officer notifies the grievant accordingly in writing and the grievance is deemed to have lapsed. If so requested by the grievant, the authorised officer provides a detailed and reasoned explanation.

- ***Stage Two – Inquiry and Hearing***

Completion of a stage two (internal) process ordinarily occupies a maximum of 21 calendar days from the date of lodgement of a written statement. Once the statement is lodged and where one or more persons (respondents) are involved, the authorised officer firstly, requests the CEO to appoint two colleagues within BBI, of whom there should be one of each gender, to assist with further inquiries and evaluation, and secondly, notifies each person involved (the respondent[s]), that a grievance has been notified. Where the CEO is the authorised officer, he or she delegates this function to the Director of Student Engagement and Services.

An appointed colleague shall be suitably independent and with no conflict of interest regarding matters raised in the grievance. The CEO designates one of the two appointees to preside at subsequent hearing and inquiries. The authorised officer then advises:

- the grievant of official receipt of his or her grievance and indicates an intention to have the matter resolved within the next 21 days;
- each respondent of the grievance and matters contained therein and requests submission of a written response within the next 14 days;
- that each party to the grievance is permitted supervised access to the relevant records of the College where these exist;
- that each party to the grievance is entitled to be heard in person;
- each party of his or her right to be accompanied and/or assisted by a supporter, if so requested at a hearing.

If, after making diligent inquiry into matters raised in the grievance and hearing and considering personal representations and written responses from all related parties, the authorised officer and his or her colleague determine that the grievance is not substantiated, the authorised officer notifies all parties in writing of the outcome, providing a reasoned and detailed explanation of that conclusion if so requested. If the authorised officer and one or more of his or her colleagues conclude that the grievance is substantiated, the authorised officer:

- notifies the grievant and each respondent of that decision;
 - notifies the grievant of any course of action that the Institute is recommended to follow in order to remedy or rectify the issue(s) at the heart of the grievance;
- Where relevant and appropriate to the circumstances of the case, the recommended course of action may comprise the following:

- provision of an apology to the grievant;
- payment of a monetary amount or provision of some other form of compensation to the grievant;
- improvement in administrative or managerial policy that may prevent future recurrence of any similar grievance;
- caution or disciplinary action for an officer, employee, member of faculty, or student of the Institute involved in the case where misconduct on the part of that person is suspected or alleged;
- referral of the case to the police if misconduct of a criminal nature has occurred;
- a combination of two or more of these proposed courses of action; and
- any other course of action that the authorised officer deems this advisable.

The recommended course of action is referred to the CEO or other appropriate officer of the Institute who has the duty of implementing the action within the next 14 days. A decision, together with any accompanying recommended course of action or any relevant finding, becomes the “reviewable decision”. In notifying the grievant (and, as appropriate, a respondent), the authorised officer provides advice on the availability of an appellate process, together with the grounds for appeal, the period of 28 days available for lodgement of an appeal, and the review procedures which are involved. Records of the process are deposited with the Director of Student Engagement and Services. The records are retained for a minimum period of five years.

- ***Stage Three Process – External Review***

Grounds for Appeal: The grievant may appeal against the “reviewable decision” on one or more of the following grounds:

a) Evidence:

- i) that, having regard to the evidence, the decision or determination is unreasonable or unsupportable;
- ii) that particular evidence should not have been admitted or should have been rejected when the decision or determination was made; and/or
- iii) that fresh relevant evidence has become available, this being evidence that was not available or not known to the appellant at the time when the decision was made;

b) Process and Principle

- i) that the decision or determination was made in breach of the rules of natural justice; and/or
- ii) that, in some other way (e.g. unreasonable delay), a miscarriage of justice occurred in making the decision or determination;

c) Remedy:

- i) that the remedy or course of action proposed in response to a substantiated grievance is inappropriate or otherwise disproportionate vis-à-vis the disadvantage or wrong that the grievant has suffered.

- ***Confidentiality and Privilege***

The identities of persons involved in a matter that is the subject of appeal are confidential and privileged, provided that principles of natural justice are properly served. The appellant has a right to be heard and be accompanied by a supporter or adviser. In the absence of the appellant electing to have his or her own supporter or adviser present at the hearing, the authorised officer may appoint a supporter or adviser for the appellant.

- ***External Review Procedures -Lodgement of Appeal***

The grievant must lodge his or her appeal against the “reviewable decision” with the Director of Student Engagement and Services in writing and no later than 28 days after notification. The appellant must cite one or more of the prescribed grounds for appeal and include a

statement showing why the original decision or determination should be quashed or varied, together with any documents that are material to the appeal.

- ***Institute Response***

Within seven days of the receipt of the appeal, the Director of Student Engagement and Services will notify all other relevant parties of the lodgement of the appeal, together with the grievant accompanying document, and invite submission of a response or advice regarding the appeal within the next seven days. In that same time period the Director of Student Engagement and Services will:

- i) arrange for an external reviewer to be appointed by the Chair of the Academic Board (or delegate) OR the Chair of the Board of Directors (or delegate) with appropriate experience.
- ii) set a date, time and location for hearing the appeal which should ordinarily be held no longer than 21 days after the appeal is lodged.
- iii) notify the grievant and the other parties of the date, time and location of the hearing;
- iv) provide the appellant and other parties with copies of documents material to the hearing;
- v) advise the grievant and any other party(ies) that he/she/they may have a supporter or adviser present at the hearing.

- ***Appeal Determinations***

Based on official records of evidence as may have been taken when the original decision or determination was made, the External Reviewer, on hearing an appeal, determines that appeal in one of the following ways:

a) allow the appeal if, in the opinion of the External Reviewer, the original decision and any accompanying recommendation should be set aside and, in so doing, the External Reviewer may:

- i) quash the original decision; or
- ii) quash the original decision and direct that all or any of the matters which are the subject of the appeal be reheard or reconsidered; or
- iii) if it is deemed appropriate, either vary or substitute a different decision; or

b) dismiss the appeal if, in the opinion of the External Reviewer, no breach of fairness, process or natural justice occurred when the original decision was made; or

c) where it is able to consider any fresh evidence offered by the grievant, the External Reviewer may determine the matter itself without directing a rehearing.

Adjournment of Appeals Hearing may occur for no more than 14 days

a) when the External Reviewer is unable to preside over a hearing due to schedule conflicts;

or

b) at the request of the grievant; or

c) for other extenuating circumstances agreed to by the External Reviewer and the grievant. Director of Student Engagement and Services (or other administrative officer deputed for the purpose) may be present at the Hearing but sits only as an observer and recorder. A determination of an appeal by the External Reviewer is final and conclusive.

- ***Hearing Notifications***

a) Notification of Determination:

i) Parties: Within seven days of a determination being made in response to an appeal, the Academic Dean will provide the appellant, the Principal, together with any other party(ies) involved with the appeal, with a written notification of the determination. If so requested, the Academic Dean, as advised by the External Reviewer, provides a reasoned and detailed explanation of the decision.

ii) Archived Record: Academic Dean will oversee the permanent archiving of all relevant documents associated with the appeal and its notation for a period of not less than 5 years;

iii) General Enforcement: Enforcement of any determination made by External Reviewer is the responsibility of the Principal, who, where practicable, will ensure its implementation within 30 days of the date on which the determination is notified.

b) Publication of a decision or determination may proceed only at the CEO's discretion, if it is deemed that publication would serve the public interest.

STUDENT GRIEVANCE PROCEDURE – FEE-HELP/FEE ISSUES

Notification and Processing of a Grievance Concerning Fee-Help and other Fees Issues

Stage-One Process – Notification, Preliminary Evaluation and Advice

On being notified of a grievance related to Fee-Help, Student Learning Entitlement, and other matters relevant to charges for student tuition, the authorised officer (refer above) makes an assessment of the grievance and the evidence available which supports it. Unless special circumstances apply, the authorised officer ordinarily interviews the grievant with regard to the matters raised in the grievance and apprises the grievant of the policy and processes of receiving, investigating and resolving the grievance. If, on the basis of information obtained in the preliminary interview and inquiry, the authorised officer concludes that the issue(s) at the heart of the grievance can be resolved through his or her intervention, the officer may request the consent of the grievant to intervene on the grievant's behalf. If the authorised officer determines that the nature of the grievance warrants further inquiry or investigation and, if he or she has not already done so, the grievant is required to make a signed statement in the prescribed form as to the nature of the grievance and all relevant particulars.

If the authorised officer decides that, in the light of Institute fees policy or Fee-Help assistance guidelines or both, there is no basis to the grievance, the officer notifies the grievant accordingly in writing and the grievance is deemed to have lapsed and provides an explanation of unmet requirements. If, on the other hand, the authorised officer finds the grievance to be substantiated, he or she notifies the grievant of the decision and action (or recommended action) to be taken to address the grievance (e.g. issue of an apology, refund of fees or re-crediting of the Student Learning Entitlement, or compensatory payment). This advice is provided to the grievant in writing within seven days of the notification of the original grievance. A reasoned and detailed explanation of the decision must be provided, if requested. The grievant is also advised that, in the event he or she disagrees with the outcome, a review of the decision may be requested, provided that the request is made within seven days. The request, with accompanying details, is made in the signed prescribed form.

Stage-Two Process – Internal Review

Director of Student Engagement and Services is the officer responsible for undertaking reviews. Once a request for a review grievance is stated in writing and where one or more persons (respondents) are involved, the authorised officer informs the Director of Student Engagement and Services and each person involved (the respondent[s]), that a grievance has been notified.

The authorised officer then advises:

- the grievant of official receipt of his or her grievance and indicates an intention to have the matter resolved within the next 14 days;
- each respondent of the grievance and matters contained therein and requests submission of a written response within the next 7 days;
- that each party to the grievance is permitted supervised access to the relevant records of the Institute where these exist;
- that each party to the grievance is entitled to be heard in person;
- each party of his or her right to be accompanied and/or assisted by a supporter, if so requested at a hearing.

If, after making diligent inquiry into matters raised in the grievance and hearing and consideration of personal representations and written responses from all related parties, the Director of Student Engagement and Services determines that the grievance is not substantiated, the authorised officer notifies all parties in writing of the outcome, providing a reasoned and detailed explanation of that conclusion if so requested. If the Director of Student Engagement and Services concludes that the grievance is substantiated, the authorised officer:

- notifies the grievant and each respondent of that decision;
- notifies the grievant and each respondent of any course of action that the College is recommended to follow in order to remedy or rectify the issue(s) contained in the grievance;

Where relevant and appropriate to the circumstances of the case,

(a) recommended course(s) of action may comprise the following:

- a. provision of an apology to the grievant;
- b. adjustment or recalculation of fees to be charged or refunded to the grievant, or amount of Fee-Help assistance provided, or re-crediting of the grievant's Student Learning Entitlement;
- c. payment of a monetary amount or provision of some other form of compensation to the grievant;
- d. improvement in administrative or managerial policy that may prevent future recurrence of any similar grievance;
- e. caution or disciplinary action for an officer, employee, member of faculty, or student of the Institute involved in the case where misconduct on the part of that person is suspected or alleged;
- f. a combination of two or more of these proposed courses of action; and
- g. any other course of action that the Director of Student Engagement and Services deems advisable.

A recommended course of action is referred to the CEO or other appropriate officer of the Institute who has the duty of implementing the action within the next seven days. Records of the process are deposited with the Chief Operations Officer who retains these for a minimum of five years.

- ***Stage-Three Process – External Review***

Grounds for Appeal: The grievant may appeal against the “reviewable decision” on one or more of the following grounds:

a) Evidence:

- i) that, having regard to the evidence, the decision or determination is unreasonable or unsupportable;
- ii) that particular evidence should not have been admitted or should have been rejected when the decision or determination was made; and/or
- iii) that fresh relevant evidence has become available, this being evidence that was not available or not known to the appellant at the time when the decision was made;

b) Process and Principle

- i) that the decision or determination was made in breach of the rules of natural justice; and/or
- ii) that, in some other way (e.g. unreasonable delay), a miscarriage of justice occurred in making the decision or determination;

c) Remedy:

- i) that the remedy or course of action proposed in response to a substantiated grievance is inappropriate or otherwise disproportionate vis-à-vis the disadvantage or wrong that the grievant has suffered.

- **Confidentiality and Privilege**

The identities of persons involved in a matter that is the subject of appeal are confidential and privileged, provided that principles of natural justice are properly served. The appellant has a right to be heard and be accompanied by a supporter or adviser. In the absence of the appellant electing to have his or her own supporter or adviser present at the hearing, the authorised officer may appoint a supporter or adviser for the appellant.

- **Lodgement of Appeal**

The grievant must lodge his or her appeal against the “reviewable decision” with the Chief Operating Officer in writing and no later than 28 days after notification. The appellant must cite one or more of the prescribed grounds for appeal and include a statement showing why the original decision or determination should be quashed or varied, together with any documents that are material to the appeal.

- **Institute Response**

Within seven days of the receipt of the appeal, the Chief Operations Officer will notify all other relevant parties of the lodgement of the appeal, together with the grievant’s accompanying document, and invite submission of a response or advice regarding the appeal within the next seven days. In that same time period the Chief Academic Officer will:

- i) arrange for an external reviewer to be appointed by the Chair of the Board of Directors (or delegate) OR the Chair of the Academic Board (or delegate).
- ii) set a date, time and location for hearing the appeal which should ordinarily be held no longer than 21 days after the appeal is lodged.
- iii) notify the grievant and the other parties of the date, time and location of the hearing;
- iv) provide the appellant and other parties with copies of documents material to the hearing;
- v) advise the grievant and any other party(ies) that he/she/they may have a supporter or adviser present at the hearing.

- **Appeal Determinations**

Based on official records of evidence as may have been taken when the original decision or determination was made, the External Reviewer, on the hearing an appeal, determines that appeal in one of the following ways:

a) allow the appeal if, in the opinion of the External Reviewer, the original decision and any accompanying recommendation should be set aside and, in so doing, the External Reviewer may:

- i) quash the original decision; or
- ii) quash the original decision and direct that all or any of the matters which are the subject of the appeal be reheard or reconsidered; or
- iii) if it is deemed appropriate, either vary or substitute a different decision; or
- b) dismiss the appeal if, in the opinion of the External Reviewer, no breach of fairness, process or natural justice occurred when the original decision was made; or
- c) where it is able to consider any fresh evidence offered by the grievant, the External Reviewer may determine the matter itself without directing a rehearing.

Adjournment of Appeals Hearing may occur for no more than 14 days;

- a) when the External Reviewer is unable to preside over a hearing due to schedule conflicts; or
- b) at the request of the grievant; or
- c) for other extenuating circumstances agreed to by the External Reviewer and the grievant.

The Chief Operations Officer(or other administrative officer deputed for the purpose) may be present at the Hearing but sits only as an observer and recorder. A determination of an appeal by the External Reviewer is final and conclusive.

- **Hearing Notifications**

a) Notification of Determination:

- i) Parties: Within seven days of a determination being made in response to an appeal, the Chief Operations Officer will provide the appellant, the CEO, together with any other party(ies) involved with the appeal, with a written notification of the determination. If so requested, the Chief Operations Officer, as advised by the External Reviewer, provides a reasoned and detailed explanation of the decision.
- ii) Archived Record: The Chief Operations Officer will oversee the permanent archiving of all relevant documents associated with the appeal and its notation for a period of not less than 5 years;
- iii) General Enforcement: Enforcement of any determination made by External Reviewer is the responsibility of the CEO, who, where practicable, will ensure its implementation within 30 days of the date on which the determination is notified.
- b) Publication of a decision or determination may proceed only at the CEO's discretion, if it is deemed that publication would serve the public interest.

7 KEY RELATED DOCUMENTS

- Record Management Policy

8 NOTES

Contact Officer	Director of Student Engagement and Services
Implementation Officer/s	

Approval Authority / Authorities	Academic Dean and Director of Student Engagement and Services / Academic Board
Date Approved	15-12-15
Date of Commencement	1/1/17
Date for Review	24 MONTHS AFTER COMMENCEMENT
Amendment History	N/A
Key Stakeholders	Faculty & Sessional Academics