

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-TAITE) is committed to ensuring that all students have a positive relationship with the Institute and its staff members. All staff and students at BBI-TAITE 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-TAITE's approach to this area.

3 SCOPE

This policy applies to all staff and students of BBI-TAITE.

4 DEFINITIONS

NA

5 POLICY

BBI-TAITE 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 bona fide grievant;

Procedures relating to this policy can be found in Addendum 1.

7 KEY RELATED DOCUMENTS

- Record Management Policy
- Complaints and Grievance Form

8 NOTES

Contact Officer	Director Student Services and Operations
Implementation Officer/s	Academic Dean / Director Student Services and Operations / CEO
Approval Authority / Authorities	Executive Committee / Audit and Risk Committee
Date Approved	15/12/15
Date of Commencement	01/01/17
Date for Review	24 MONTHS AFTER COMMENCEMENT
Amendment History	23/02/17 – Amended to include the Student Wellbeing and Engagement Officer in the procedure. 03/03/2017 – Amended external review procedures to include COPHE as BBI's external reviewer and identify other external review bodies. 28/02/2018 – Changed BBI to BBI-TAITE. REVIEWED 12/04/19 12/04/2019 – Procedure amended to simplify process; internal appeal process added; procedure around how to make a complaint added.
Key Stakeholders	Faculty & Sessional Academics

ADDENDUM 1 - PROCEDURES

Complaint and Grievance Resolution Procedures

The following principles guide the student grievance resolution procedures:

- Resolution will be handled informally where possible and appropriate.
- The Student Wellbeing and Engagement Officer may be approached at any time in relation to the policy, process and implications of making a complaint or grievance.
- Complaints and grievances will be addressed as close as possible to the source of dissatisfaction.
- Where an individual remains dissatisfied with the decision, s/he is entitled to continue to the next step in the procedures, providing new or additional information is provided to support the case. It is not sufficient to simply disagree with the decision.
- The complaint or grievance must be lodged in writing within 10 working days of the day of event or decision.
- The process of resolution is to commence within 10 working days of lodgement.
- The complainant will receive a decision within 21 working days of receipt of the application or such other extended time as the relevant Authorised Officer may reasonably authorise.
- A student's enrolment will be maintained while the appeal process is ongoing.
- The complainant will not suffer any reprisal as a result of lodging a grievance or an appeal.
- A student who lodges a vexatious complaint will have it dismissed.
- A complainant attending a meeting associated with resolving a complaint or grievance may be accompanied by a support person. This person must not be a legal representative or a currently practicing solicitor or barrister.
- The Complaints and Grievances Register records are retained for a minimum period of five years and will be treated confidentially and in accordance with the provisions of the Privacy Act 1988.
- A complainant may choose to have their grievance reviewed by an external complaint handling process. In this situation, BBI-TAITE will not continue further consideration of matters where the process options have been exhausted or where the student has taken their grievance to an external agency.

The procedure for the notification and resolution of a complaint or grievance is outlined below:

Step 1: Informal resolution

- An individual who has a complaint or grievance should, where possible, discuss this with the relevant BBI-TAITE staff member who may be determining the non-academic decision or action which has given rise to the issue. The relevant staff member will deal with the issue promptly and, where possible, provide the individual with a full explanation in writing of the reasons for the decision/action.
- If there is a conflict of interest arising from the staff member addressing the complaint, the staff member should refer the complainant directly to the relevant Authorised Officer (usually that staff member's supervisor).
- The majority of complaints should be resolved at this stage. If the complaint has not been resolved the complainant may lodge a formal complaint, as outlined below.

Step 2: Submission of Complaints Form

- If the individual's concerns cannot be resolved informally, s/he may submit a Complaints and Grievance Form, including any supporting documentation, which will be viewed by the relevant Authorised Officer (usually the supervisor of the staff member involved in the complaint). For student complaints involving another student, the Authorised Officer is the Director Student Services and Operations.
- The Authorised Officer will address the complainant's concerns promptly, and provide to the complainant a full explanation in writing of the reasons for the decision.
- A report will be recorded by the Authorised Officer on the Register of Complaints and Grievances.
- The non-academic decision or action will be reported to the appropriate Head of Division.

Step 3: Submission of Grievance Form (Appeal)

- If the complainant's concerns still cannot be resolved, s/he may submit a Complaints and Grievance Form (to appeal) which will be directed to the relevant Senior Officer (usually the supervisor of the Authorised Officer).
- In order to reach an agreed resolution the Senior Officer may conduct separate interviews, convene conciliation meetings or request relevant information.
- The Senior Officer will provide to the student a full explanation in writing of the reasons for the decision.
- The Senior Officer retains final responsibility for any decision regarding an appeal.
- If the Senior Officer is the relevant BBI-TAITE staff member referred to in Step 1, or the relevant Authorised Officer referred to in Step 2, the Chief Executive Officer (CEO) will handle the grievance.
- The Senior Officer will advise the complainant in writing of the decision and the reasons for the decision.
- A report will be submitted on the relevant Register of Complaints and Grievances.
- The non-academic decision or action will be reported to the appropriate Head of Department.

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 a 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.

External Dispute Resolution

BBI-TAITE has nominated the Council of Private Higher Education (COPHE) with respect to grievances in the higher education sector, as the independent body that will conduct external review of decisions. COPHE can be contacted by calling (02) 8021 0841.

COPHE will act to appoint an external reviewer who is independent of BBI-TAITE. The COPHE appointed reviewer must make a determination and advise the relevant senior officer, the complainant and COPHE within 30 days, providing in writing the reasons and rationale for any decisions and / or actions to be taken. If the COPHE appointed reviewer makes recommendations in relation to a reviewed grievance, the relevant senior officer of BBI-TAITE will ensure the recommendations are implemented within 28 working days. Decisions of the COPHE appointed reviewer shall be final and binding on all parties.

The Grievance process does not preclude the complainant seeking redress in other forums outside the BBI-TAITE process. Students are advised that a number of external agencies may be able to assist them in the resolution of a dispute should they find that the above procedures do not address their concerns. Some of these agencies are as follows:

- NSW Fair Trading Office (<https://www.fairtrading.nsw.gov.au/>)
 - Anti-Discrimination Board of NSW (<http://www.lawlink.nsw.gov.au/adb>)
 - Australian Human Rights and Equal Opportunity Commission (<http://www.hreoc.gov.au>)
 - Administrative Appeals Tribunal (<http://www.aat.gov.au>)
- *note: the AAT reviews decisions relating to FEE-HELP only.

Where BBI-TAITE receives a recommendation from an outside authority outlining steps that are required to be taken by BBI-TAITE, this recommendation will be provided at once to the relevant senior officer. The relevant senior officer will ensure that, within 28 days of his/her receipt of the recommendation, action is taken on the recommendation and that a letter is written to the student advising them of the action that was taken.

The following flow chart summarises the student grievance process for non-academic matters:

