Student Grievance Resolution Policy

Section 1 - Purpose

(1) This Policy sets out the University of Canberra's (University) principles and framework for the resolution of student grievances.

Section 2 - Scope

(2) This Policy applies to student grievances relating to actions or decisions taken by the University and its staff, whether of an academic or administrative nature. This may include grievances related to:

a. the University's administration;
b. learning support;
c. teaching services; or
d. breaches of the University's policies, including conduct by a staff member that is unprofessional or inappropriate in accordance with University policy or other applicable external accreditation or legislative standards.

(3) This Policy does not apply to grievances relating to academic judgement other than where a student asserts bias in the exercise of academic judgement.

(4) The processes outlined in this Policy to resolve grievances are available to current students of the University.

(5) Past students, including students on intermission, and graduates may seek to resolve a grievance through these processes where the matter to which it relates occurred when they were a prospective student, current student or otherwise only with the permission of the Director, Student Life.

(6) Except as expressly stipulated in this clause 6, student grievances in relation to the following matters cannot be addressed through the processes outlined in this Policy:

a. Grievances relating to circumstances that occurred over 12 months prior, except in the case of compelling or exceptional circumstances as determined by the Director, Student Life and, in relation to HELP remittance and admissions decisions, as determined by the Director, Student Connect.
b. A decision made by an appropriate review authority in accordance with the University of Canberra (Academic Progress) Rules 2022 unless:
    i. new evidence that was not available at the time of the decision becomes available which is likely to have affected the decision-maker's decision had it been available at the time; or
    ii. a failure of process has occurred resulting in disadvantage to the student.
c. Except where expressly permitted by the statue, rule or University policy, decisions made under a statute, rule or University policy including:
    i. a decision made under the University of Canberra (Student Conduct) Rules 2023;
    ii. a decision made under the University of Canberra (Admission) Rules 2022 including:

- to terminate a student's enrolment due to a failure to meet the conditions for continuation under a conditional/probationary offer;
- to make an offer of admission subject to conditions; and
- to refuse admission to an applicant; or
- for a decision relating to a remittance of a HELP debt made by the Director, Student Connect.

Section 3 - Principles

(7) The University approaches student grievance resolution, and devises student grievance resolution processes, according to the following guiding principles:

a. Students and staff participate in the grievance resolution process in good faith. Grievances found to be vexatious, frivolous or lacking substance will be dismissed.
b. Grievance resolution processes are carried out in accordance with the principles of natural justice and procedural fairness. Accordingly, the University will:
    i. inform the person complained about of the allegations against them in sufficient detail to enable them to understand the precise nature of the allegations and to properly consider and respond to them;
    ii. inform all parties of the possible outcomes from the process;
    iii. ensure that the person complained about is provided with a reasonable period within which to respond to the allegations, subject to the complexity and urgency of the matter;
    iv. inform the student of their rights under this Policy;
    v. ensure the impartiality in any enquiry or investigation process and an absence of bias of any decision maker; and
    vi. communicate any decision to all persons affected by it and include detailed reasons for the decision and the options for external appeal of the decision.
c. Students and staff are treated respectfully and fairly throughout the grievance resolution process.
d. Students will not suffer any form of disadvantage, including a financial disadvantage, because they make a complaint, and all processes set out in this Policy will be applied consistently, fairly and without reprisal against the student.
e. Student confidentiality is maintained throughout the grievance resolution process in accordance with applicable privacy legislation and the Privacy Policy.
f. Student grievances are resolved as quickly as possible, facilitated by the processes outlined in section 4 of this Policy.
g. Effective, reciprocal communication and feedback underpins the relationship between all parties in the grievance process.
h. Actions undertaken to resolve student grievances are recorded, communicated to all affected parties and implemented promptly.
i. Grievances provide valuable input to the continuous improvement of programs, policies, procedures and services of the University, and are monitored and acted upon accordingly.
j. Grievance procedures and the support available to students are widely publicised to facilitate access to the grievance resolution process.

Section 4 - Student Grievance Resolution Framework

(Framework)

(8) The Framework outlines the steps available to a student to resolve:

a. grievances about administrative matters; and
b. grievances about academic matters.

(9) A flowchart of the steps in the Framework is available here.

(10) The steps in the process are as follows:

a. Informal resolution (available for academic matters only): refer clauses 12-17 below.
b. Formal resolution: refer clauses 18-24 below.
c. Appeal: refer clauses 25-43 below.
d. External review: refer clauses 44-48 below.

(11) A student is not obliged to undertake all steps in the process. Having commenced the grievance process, a student may elect to withdraw from the process and accept the decision made by the relevant party at any stage of this process (whether in the student's favour or not), or to proceed to the next stage of the process.

Informal Resolution

(12) Informal resolution of student grievances is applicable only to academic matters.

(13) The onus rests with the student to address the grievance informally in the first instance.

(14) Students should begin the grievance resolution process by attempting to resolve the matter informally with the individual closest to the source of the grievance. For example, this may be:

a. a tutor;
b. a Lecturer; or
c. a Unit Convener.

(15) Students may approach the relevant staff member whose action or decision has led to the grievance by:

a. writing to them; and/or
b. speaking with them face to face.

(16) Notwithstanding the above, a student is free to address their grievance to any individual or body identified in this Policy as having responsibility in relation to a particular category of grievance.

(17) If approaching the individual closest to the grievance does not resolve the matter, or if the student feels uncomfortable to do so, the student should approach the relevant Discipline Lead or Head of School to seek a resolution. This is the final step in the informal resolution of a grievance.

Formal Resolution

Academic Grievances

(18) If the informal resolution fails to resolve an academic grievance, the student may seek formal resolution of the matter.

(19) To initiate formal resolution, students must set out the details of their grievance to the relevant Dean, Associate Dean, Line Manager or Director by either:

a. Completing the formal grievance form; or
b. Otherwise setting out the details in writing via email.

Administrative Grievances

(20) All administrative grievances must be resolved through the formal grievance resolution process.

(21) Students with an administrative grievance may seek formal resolution of the matter by setting out the details of their grievance to the relevant Dean, Associate Dean, or Director by either:

a. completing the formal grievance form; or
b. otherwise setting out the details in writing via email.

Investigation and Determination of a Formal Grievance

(22) The relevant Dean, Associate Dean, Line Manager or Director is responsible for, and has the authority to, investigate and make determinations about any student grievance matter.

(23) The Dean, Associate Dean, Line Manager or Director may take such action as they deem necessary to properly investigate a grievance. Such actions may include:

a. seeking further information or clarifications from the student;
b. interviewing the student;
c. interviewing any staff member who may have information relevant to the grievance;
d. requesting a written statement from the student or any staff member who may have information relevant to the grievance;
e. reviewing any relevant emails, assessments, letters or other documentation relevant to the grievance; and
f. consulting with the Director, Student Life in relation to the grievance.

(24) The Dean, Associate Dean, Line Manager or Director must:

a. give the staff member against whose actions or decision a grievance has been lodged must be given an opportunity to respond to the allegations in consideration of a grievance;
b. notify all parties affected by the decision of the decision and the reasons for the decision; and
c. keep a record in a formal file that is located in a secure system owned or contracted by the University of the decision including any evidence considered and all actions taken to resolve a grievance.

Appeal

(25) A student may appeal a decision made pursuant to a formal grievance resolution process to the Student Appeals Committee (the Committee).

Grounds for Appeal

(26) For the purposes of this Policy, grounds for appeal means:

a. failure to afford procedural fairness as per clause 7(b);
b. a finding of the formal grievance resolution process was based on a material mistake as to the facts;
c. new, relevant evidence that was not available at the time of the original decision that is likely to have affected

the outcome of the grievance has become available; or

d. the decision was based on mere speculation or suspicion and not relevant evidence.

Initiating a Valid Appeal

(27) If a student wishes to appeal the decision of the Dean, Associate Dean, Line Manager or Director, the student must complete a valid application for appeal. Valid applications for appeal will:

a. clearly state the grounds of appeal relied upon in accordance with clause 26;
b. clearly outline a student's claims;
c. explain how the student's claims demonstrate grounds for appeal;
d. enclose all relevant supporting evidence available to the student to substantiate the claims made; and
e. be submitted to the Secretary of the Student Appeals Committee (the Secretary) within 20 working days of the student having received written notification of decision from the Dean, Associate Dean, Line Manager or Director.

Invalid Appeals

(28) An appeal will be invalid when it:

a. is lodged more than 20 working days after receipt of the written notification of the Dean, Associate Dean, Line Manager or Director's decision without special leave of the Chair;
b. does not demonstrate grounds for appeal; or
c. does not provide evidence to substantiate the claims made within it.

Responsibilities of the Secretary

(29) Where an application for appeal is lodged and:

a. does not demonstrate grounds for appeal; or
b. does not provide evidence to substantiate the claims made within it, the Secretary must:
    i. advise the student that they have submitted an invalid appeal;
    ii. state the reasons why the appeal is invalid;
    iii. request further information that, if provided, would demonstrate grounds for appeal or otherwise substantiate the claim; and
    iv. allow the student a further five (5) working days in which to provide the additional information requested.

(30) Once the five (5) working day period has expired the Secretary will provide the appeal and all associated documents to the Chair for consideration about whether the appeal should be allowed to proceed.

Powers of the Chair in Relation to Invalid or Late Appeals

(31) The Chair may grant special leave for a late appeal to be considered by the Committee.

(32) The Chair may only grant special leave where a student demonstrates exceptional circumstances contributing to the delayed lodgement of the appeal.

(33) In determining whether the appeal should proceed, the Chair must consider all information provided by the student in the appeal.

(34) The Chair may determine that the appeal is invalid and may dimiss the appeal without hearing if the material or information considered by the Chair is such that it demonstrates that the appeal:

a. is frivolous or vexatious;
b. is lacking in substance;
c. has failed to demonstrate grounds for appeal; or
d. has failed to demonstrate sufficient evidence substantiating the claims.

(35) The decision of the Chair is final and incontestable within the University.

Consideration of Appeal by the Committee

(36) Where the Chair determines that the appeal is valid, the Committee will consider the merits of the appeal in full, including all relevant information provided by the student in the appeal.

(37) After considering the merits in full, the Committee may:

a. make a decision on the papers wholly in favour of the student without hearing; or
b. bring the appeal before a hearing of the Committee.

(38) If the Committee makes a decision on the papers without a hearing, the Committee must notify the following parties within 20 working days of reaching the decision, and must provide detailed reasons for the decision in accordance with the principles of procedural fairness:

a. The student who lodged the appeal;
b. The Dean, Associate Dean, Line Manager or Director who made the original decision; and
c. Any other relevant party.

(39) A decision of the Committee is final and incontestable within the University.

Hearings Before the Committee

(40) If the Committee determines that a hearing should proceed in relation to the appeal, a hearing date will be set in accordance with the Standard Timelines for the Student Grievance Resolution Process.

(41) The Committee may conduct a hearing in any way the Chair deems appropriate, however, in conducting a hearing, the Committee:

a. must provide the student the opportunity to present a case to the Committee in person;
b. must provide a staff member against whose actions or decision a grievance was lodged with the opportunity to respond to the allegations in person; and
c. may invite any relevant individual, including a University staff member, to address the Committee.

(42) Within 20 working days of the Committee reaching a decision, the Committee must advise the following of the decision in writing and provide detailed reasons for the decision in accordance with the principles of procedural fairness:

a. The student who lodged the appeal;
b. The Dean, Associate Dean, Line Manager or Director who made the original decision; and
c. Any other relevant party.

(43) A decision of the Committee is final and incontestable within the University.

External Review of Committee Decisions

Ombudsman and Human Rights Commission

(44) Following a decision of the Committee, a student may:

a. lodge a complaint with the ACT Ombudsman; or
b. if the student's grievance is a discrimination complaint, lodge a complaint with the ACT Human Rights Commission.

(45) An external complaint should be lodged as soon as possible following notification of the Committee's decision.

(46) Students must notify the Secretary in writing that an external complaint has been lodged so the University can ensure that the students' rights are protected during the review process.

(47) The Secretary will ensure appropriate University staff members are advised an external review is underway.

Decisions Relating to the Cancellation of an International Student's Enrolment

(48) If the University has made a decision to cancel the enrolment of an international student and the international student wishes to make an external complaint, failure to lodge an external complaint in accordance with the timeframes identified in the Standard Timelines for the Student Grievance Resolution Process may require the University to report the international student to the relevant government authority in accordance with the University's legislative compliance obligations. Students must notify the University that they have made an external complaint to ensure that their rights are protected throughout the external review process.

Section 5 - Student Appeals Committee

Membership of the Committee

Composition of the Student Appeals Committee

(49) At any meeting of the Committee, there must be one representative from each of the following membership categories:

a. Chair;
b. Academic Staff member;
c. General Staff member; and
d. Student.

(50) For each membership category, there be at least two members appointed to the Committee from time to time as eligible representatives.

(51) Prior to the sitting of any meeting of the Committee, at least one representative from each membership category will be selected from the relevant pool to sit on the Committee.

(52) Where possible, the selection of members to participate in a meeting of the Committee will have regard to the gender balance of the Committee.

(53) The appointment of Committee members in each membership category drawn from University staff should be representative of all of the different areas of the University.

(54) Members of the Committee will be provided with training with respect to their responsibilities.

(55) Guidelines for the Committee will be provided for the operation of the Committee.

Quorum of the Committee

(56) The Committee will have a quorum if a Chair and three Committee members, each from a different category of membership, are present and have not declared a conflict of interest.

(57) If the Committee fails to have a quorum for any reason, the Committee will be unable to make a decision on the appeal and must:

a. defer the hearing to another time; and
b. notify all relevant parties of the details of the deferred hearing.

Committee Chairs

(58) Chairs are appointed by the Vice-Chancellor.

(59) A Chair must be a senior or experienced member of the academic staff (typically associate professor level or above) and typically employed on a permanent and full-time basis at the University.

(60) Chairs are appointed for a term of two years.

(61) Where necessary, the Chair may co-opt onto the Committee a staff member with relevant expertise in the area that is the subject of the grievance (not being a qualified lawyer acting in a professional capacity).

Academic and General Staff Members of the Committee

(62) Academic Staff members and General Staff members of the Committee are:

a. nominated by the University of Canberra branch of the National Tertiary Education Union (NTEU);
b. typically employed on a permanent and full-time basis at the University; and
c. require the support of the relevant Dean, Associate Dean, Line Manager or Director to undertake this role.

(63) The Secretary is responsible for requesting the University branch of the NTEU to provide nominees for appointment.

(64) The Vice-Chancellor may appoint an Academic and/or General Staff member to the Committee if the University branch of the NTEU is unable to provide adequate nominees for appointment within one calendar month of a request from the Secretary.

(65) Academic and General Staff members are appointed as members of the Committee for a term of two years.

Student Members of the Committee

(66) The Student Representative Council (SRC) will nominate the student members of the Committee from its members.

(67) Student members are appointed to the Committee for a term of one year in conjunction with the election cycle of the office bearers of the SRC.

Removal of Committee Members from Office and Vacancies

(68) The Vice-Chancellor may remove a Committee member from office for:

a. failure or incapacity to attend to their duties as a member; or

b. in the case of a student member, if the student member is found to have engaged in conduct prohibited by the University of Canberra (Student Conduct) Rules 2023.

(69) A Committee member removed for these reasons is not eligible for reappointment.

(70) If a Committee member is removed from office, and the removal causes the number of representatives in a membership category pool to drop below two, the relevant nomination and appointment process will be repeated until the number of representatives in a membership category rises to at least two. The person appointed is to hold the appointment for the balance of the term.

Powers of the Committee

(71) The Committee shall exercise the powers and authority of the original decision maker in relation to determining the outcome of an appeal against the decision of a Dean, Associate Dean, Line Manager or Director arising from a formal grievance for all purposes other than financial delegation.

(72) Where a proposed decision of the Committee would have financial implications for the University, the Committee will seek advice from the appropriate officer within the University. The Committee must consider the advice of the appropriate officer in making its determination.

Section 6 - Other

Resolution Timelines

(73) It is in the interests of all parties that the grievance resolution process is completed within a reasonable time frame.

(74) The time involved in resolving a grievance at the informal stage may vary.

(75) Once the formal resolution stage is reached, specific time frames for the resolution of grievances and appeals apply in accordance with this Policy and as summarised in the Standard Timelines for the Student Grievance Resolution Process.

Costs

(76) The University does not apply any charges to students wishing to lodge a grievance or appeal.

Support

(77) Students may seek advice on the application of this Policy from the Student Advocacy Office.

(78) In any meeting at the informal or formal resolution stages, or the appeal stage of the grievance resolution process:

a. the student may be accompanied by a support person; and
b. the support person may advise the student, speak on behalf of the student and, where necessary or appropriate, call witnesses on behalf of the student (providing that the staff member leading the meeting is satisfied that any witness so called will not be subjected to harassment in the giving of their evidence). The staff member leading the meeting, or the Chair, may request that the student respond directly to a question.

(79) In any hearing before the Committee, the student may be accompanied by a representative. If the student wishes to be accompanied by a representative, the student must seek prior written consent from the Chair. The application must be provided to the Secretary at least 7 working days prior to the date of the hearing.

(80) Any application for a student to be represented provided to the Secretary as contemplated under clause 79 will be considered on a case by case basis by the Chair and decided in accordance with the principles of procedural fairness. The Chair must provide detailed reasons for their decision.

Reporting and Feedback

(81) All Deans, Associate Deans and Directors will provide the Deputy Vice-Chancellor with an annual summary of student grievances received, noting:

a. the course of origin;
b. the student level and gender;
c. any actions taken to address endemic issues; and
d. any other statistic of relevance.

(82) A record of the Committee's deliberations will be kept by the University.

(83) An annual summary of appeals considered by the Committee will be provided to the Deputy Vice-Chancellor, noting the number of appeals dismissed and upheld.

(84) An annual summary of grievances and appeals will be provided to the Academic Quality and Standards Committee and Academic Board by the Deputy Vice-Chancellor.

Section 7 - Responsibilities

Who	Responsibilities
Council	Policy Owner
Vice-Chancellor	• Appointment of Chairs in accordance with clauses 58 – 61. • If the NTEU is unable to provide adequate nominees for appointment of academic and general staff to the Committee, appoint an academic or general member of staff to the Committee. • Remove a Committee member from office in accordance with clauses 68-70.
Deputy Vice-Chancellor	• Receive annual reports relating to grievances from the Deans, Associate Deans and Directors, and the Secretary of the Student Appeals Committee. • Provide an annual summary of grievances and appeals to the Academic Quality and Standards Committee and Academic Board.
Director, Student Life	• Policy Custodian. • Grant permission to resolve a grievance when the grievance is not sought outside the circumstances provided for in clause 5. Determine whether a grievance can proceed notwithstanding that 12 months has lapsed between when the grievance arose and the application was made.
Deans, Associate Deans, Line Managers and Directors	• Receive grievances. • Investigate a grievance in accordance with clauses 22-24. • Communicate the decision to a student in accordance with the principles of procedural fairness. • Keep records of the investigation and the decision. • Provide the Deputy Vice-Chancellor with an annual summary of grievances received in accordance with clause 81.
Chair, Student Appeals Committee	Carry out the duties in accordance with clauses 31-43.
Student Appeals Committee	Carry out the duties in accordance with clauses 36-43.

Who	Responsibilities
Secretary, Student Appeals Committee	• Receive the appeal documentation from the student. • Carry out the duties in relation to an appeal as set out in clauses 29-30. • File a request with the University of Canberra branch of the NTEU to provide academic and general staff nominees for appointment to the Committee. • Keep records of the Committee's deliberations and provide the records to the Deputy Vice-Chancellor in accordance with clause 81-84.
Discipline Leads and Head of Schools	Act as the final step in the informal grievance resolution process before students proceed to the formal stage.
Tutor, Lecturer, Unit Convener and other University staff	• Participate in the informal grievance resolution process with students in good faith. • If unable to resolve the informal grievance, advise the student to escalate the informal grievance to the relevant Discipline Lead or Head of School.
Student Representative Council	Nominate from its members the student members of the Student Appeals Committee.
Students	• Participate in the grievance resolution process in good faith. • Speak with the person closest to the grievance in the first instance. • If the informal conversation fails to resolve the issue, escalate the informal grievance to the Discipline Lead or the Head of School. • Where the grievance is administrative, proceed directly to the formal grievance stage, by lodging a grievance with the relevant Director or Dean. • If dissatisfied with the decision of the Director or Dean, lodge an appeal in accordance with clauses 25-27. • If dissatisfied with the decision of the Student Appeals Committee, lodge a complaint to external bodies in accordance with clauses 44-48.

Section 8 - Procedures

(85) Nil.

Section 9 - Definitions

Term	Definition
Administrative grievance	Means a grievance relating to an action of an administrative unit of the University, for example, the levying of a late fee, a decision not to permit a payment plan, or a decision not to allow an intermission from studies.
Academic grievance	Means a grievance relating to a decision or action of staff in a faculty, for example, decisions or actions of individual academic staff member to do with credit, course completion, research student supervision, or an apparent breach by a staff member in applying the University's academic policies. Academic grievances do not include grievances relating to academic judgement.
Appropriate officer	Means the Vice-Chancellor.
Associate Dean	Means an Associate Dean of a University Faculty.
Chair	Means the individual appointed to the role of chair of the Student Appeals Committee by the Vice-Chancellor pursuant to clauses 58-61.
Committee	Means the Student Appeals Committee.
Dean	Includes Executive Dean of a University Faculty and a Dean, Graduate Research School.
Director	Means the Director of the business unit to which an administrative grievance relates, and includes the Director of University of Canberra College as appropriate.
Faculty	Means an academic faculty of the University as determined by the Council under section 8 of the University of Canberra Act 1989.

Term	Definition
Intermission (leave of absence)	A designated period of time where a student voluntarily elects to suspend their studies as approved by the University from time to time.
Pathway program	A pathway program is an approved course of study at a partner institute which prepares a student (domestic or international) for entrance to the University.
Secretary	The Secretary of the Student Appeals Committee as appointed by the Director, Student Life.
Student	A person (including a member of staff employed by the University) who has: • Applied for admission to a course of study or a unit offered by the University; or • Accepted an offer to undertake a course of study or a unit offered by the University, whether offered directly by the University or through its partner institutes, and • Where undertaking a course of study: • has not been discontinued from their course of study, whether voluntarily or by the University; • has not been granted the award to which a course leads where the student has met the academic requirements of that course; • has not taken intermission; and • has not been suspended for misconduct; or • Where undertaking a non-award unit, a final grade for that unit has not been awarded.

Status and Details

Status	Historic
Effective Date	31st March 2023
Review Date	17th March 2026
Approval Authority	Council
Approval Date	31st March 2023
Expiry Date	31st December 2024
Custodian	Mara Eversons Director, Student Life
Responsible Manager	Mara Eversons Director, Student Life
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