



# Nature Care College

## Non Academic Grievance Procedure

### Rationale

1. Nature Care College Pty Ltd is committed to providing a safe and productive study environment free from unfair treatment, conflict, discrimination, harassment or vilification.
2. Nature Care College recognises that those who study at the College have a legal and ethical right to raise a concern or complaint related to unfair treatment, harassment, discrimination and other such issues and to have that concern, problem, complaint or grievance dealt with confidentially, fairly, effectively and in a timely manner.

### Definition

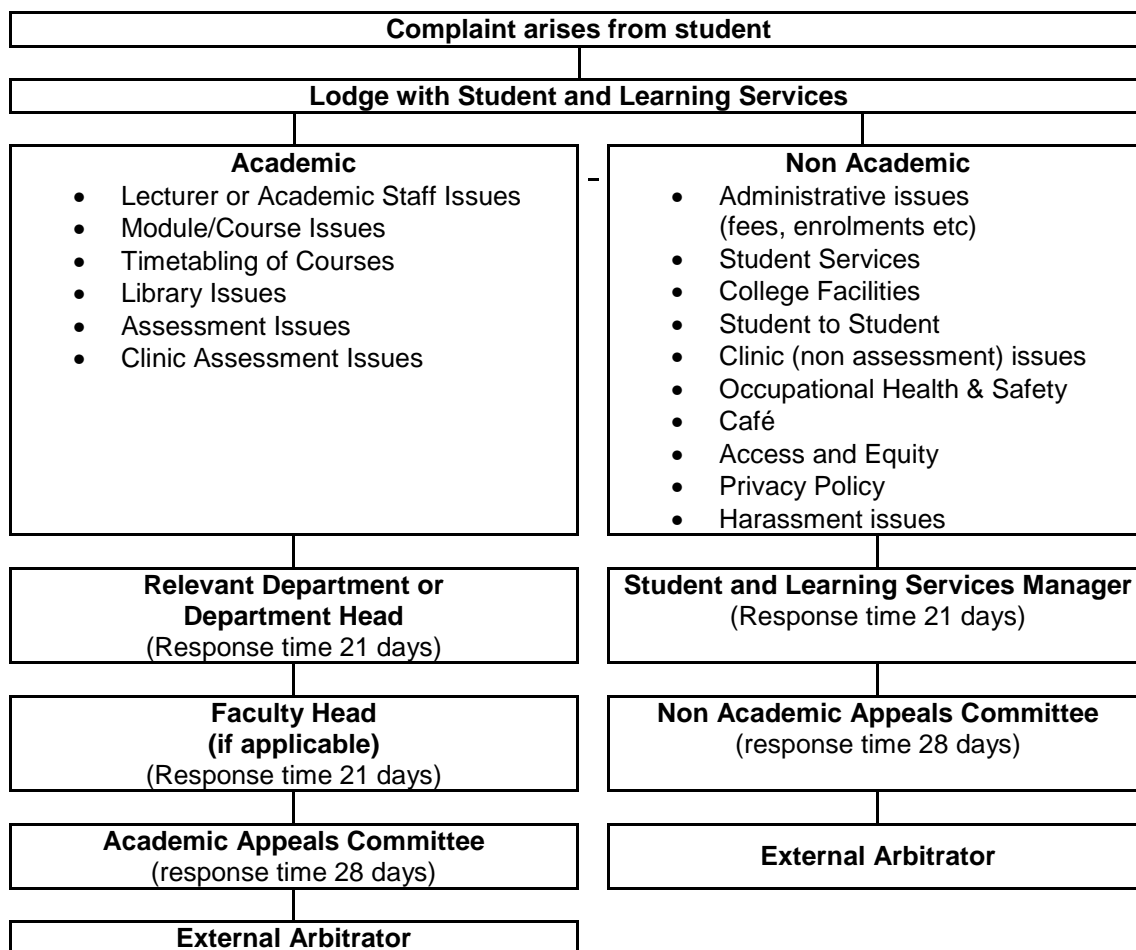
1. A grievance is a problem, concern or complaint presented by an individual or a group which relates to any of the following:
  - Academic matters: e.g. teaching standards, exclusion from a course
  - Non-Academic matters: eg Administrative/enrolment matters, discrimination, harassment, vilification and bullying
2. A grievance may involve unlawful discrimination if it contains allegations of unfair and inequitable treatment on the basis of a person's race, ethnic origin or nationality; gender; marital status; status as a carer, pregnancy or potential pregnancy; age; disability; political affiliation. Vilification on the grounds of race, sexuality and health status is also unlawful. Unlawful harassment is unwelcome and offensive or intimidating behavior, comments or images based on any of these grounds. The most common forms of harassment are racial and sexual harassment.
3. An appeal against an assessment is a request for reconsideration of that assessment.

### Principles

1. The process and procedures outlined in this policy aim to provide a fair, equitable and productive learning environment for all its students. This policy seeks to support the achievement of this goal by providing a transparent and consistent process for resolving student academic and non-academic grievances.
2. This policy does not limit the right of any student to seek the assistance of an external person or agency for the resolution of a grievance. Should the grievance be referred to an outside body, the internal processes of the College may be suspended pending the outcome of the external review.
3. A grievance will be treated seriously, expeditiously, impartially and sensitively, with due regard for procedural fairness, confidentiality and privacy.
4. The grievance may be made against another student/s or staff member/s.
5. These procedures do not apply to conflict which occurs with people other than students or employees of the College.
6. Anonymous complaints will not be investigated.
7. No person will suffer any disadvantage, be victimised or discriminated against because s/he raises a complaint or is associated with a grievance. However, if the complaint is found to be frivolous, malicious or vexatious, the matter may be referred to the Discipline Committee.

8. A grievance should be raised as early as possible after the incident relating to the complaint has occurred.
9. A grievance will be addressed as close as possible to the source of student dissatisfaction. This may be influenced by the nature of the complaint and the complainant's wishes. It is recognised that this is not always possible or appropriate.
10. Wherever possible, a grievance should be resolved by a process of discussion, cooperation and conciliation; that is, there shall be a desire by the parties involved to resolve the grievance in good faith.
11. Both the person raising a grievance (the complainant) and the person against whom a grievance is made (the respondent) will receive, in confidence, appropriate information, support and assistance in resolving the grievance from Student Support services.
12. Student Support services cannot act as an advocate in resolving the complaint. This does not limit the right of the complainant to seek advocacy from a third party, if desired.
13. Appropriate records of grievances will be kept and parties to the complaint shall have appropriate access to these records.
14. Confidentiality shall be observed by all participants and at all stages of the grievance procedure.
15. At any time during the grievance process, the complainant may withdraw their complaint by notification in writing to the Principal. Once withdrawn, the complainant cannot raise the matter again unless significant new information concerning the complaint is provided.
16. Unless there are exceptional circumstances, the complaint or grievance must be made within six [6] months of the action or outcome that has resulted in the complaint or grievance.
17. The complainant and all relevant parties will be informed of the outcome of the complaint or grievance in writing within fourteen (14) days of the decision.

### Overview of Compliant Procedure



## ACADEMIC AND NON-ACADEMIC GRIEVANCE POLICY

1. All students of the College or those seeking to enrol in a course of study with the College are entitled to access the grievance and appeal procedures set out in this policy, regardless of the location of the campus of the College at which the grievance has arisen, the student's place of residence or the mode in which they study.
2. The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other higher education provider policies or under statute or any other law.
3. The *Academic & Non-Academic Grievance Policy* is published in the *Student Handbook*, available at the Nature Care Library and on the Nature Care College website: <http://www.naturecare.com.au>
4. This policy is intended to cater for non-academic grievances that are not restricted to and may encompass any of the following:
  - a. Harassment, sexual or otherwise, and/or vilification of a student enrolled in a course of the College by another student or member of the College faculty or Administrative staff;
  - b. The claim that a student enrolled in a course of the College has an unpaid financial obligation to the College;
  - c. Exclusion from a course of the College or from progression or from graduation in that course; or
  - d. Complaint arising from the use of personal information provided by a student.
  - e. Academic grievances that are not restricted to and may encompass any of the following;
    - f. Assessment matters, where it becomes an appeal against an assessment
    - g. Teaching standards
    - h. Exclusion from a course
    - i. Course content
5. This policy is communicated to academic staff through the *Academic Staff Handbook* and to support staff through the *Staff Handbook*. The *Director of Education* is responsible for the training of academic staff in the application of the policy. The *Student and Learning Services Manager* is responsible for the training of support staff in its application.
6. The policy provides any student enrolled in a course of the College with three stages at which a complaint may be addressed.
7. The complainant and respondent will not be victimised or discriminated against in any of the three stages set out in this policy.
8. 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 requested by the complainant and/or respondent (as per Standard 8.1d of the National Code 2007).
9. All records of all grievances and appeals and applications for review of decisions must be kept and be accessible to all interested parties (as per Standard 8.1a of the National Code 2007). Records of grievances and appeals and their outcomes will be kept strictly confidential and filed in a separate file (not kept on the student or staff file) and stored in the office of the Director of Education for a period of 5 years. Parties to the complaint will be allowed supervised access to these records.
10. Each party may be accompanied and assisted by a support person at any relevant meetings (as per Standard 8.1c of the National Code 2007).
11. If the student chooses to access the registered provider's complaints and appeals processes, Nature Care College Pty Ltd will maintain the student's enrolment while the complaints and appeals process is going on (as per Standard 8.4 of the National Code 2007).
12. If the internal or any external complaint handling or appeal process results in a decision that supports the student, Nature Care College Pty Ltd must immediately implement any decision and/or corrective and preventative action required and advise the student of the outcome (as per Standard 8.5 of the National Code 2007).

## **NON ACADEMIC GRIEVANCE THREE STAGES OF RESOLUTION**

**STAGE 1:** In the first instance, complaints should be discussed with the person/s involved. However, if this is impracticable, complainants should communicate with one of the staff listed below:

- a. A member of Student Support Services
- b. Student & Learning Services Manager

The complaint must be dealt with in a reasonable time and at any rate the process will commence within 10 days of formal lodgement of the complaint or appeal and supporting documentation (as per Standard 8.1e of the National Code 2007), and where possible handled within the context of the relationship between the student and the person to whom the complaint is made. This arrangement is free of charge (as per Standard 8.1b of the National Code 2007) however; any costs incurred by the complainant in attending such appearance must be born by the complainant.

**STAGE 2:** If unsatisfied with the response to the complaint or the time taken to resolve the matter, the complainant may submit the complaint in writing to the Registrar and/or explicitly seek the involvement of the Non-Academic Grievance Committee. The Chairperson of the Non-Academic Grievance Committee will deal with the complaint within a reasonable time, normally within 30 days of receipt of the complaint. This arrangement is free of charge (as per Standard 8.1b of the National Code 2007) however; any costs incurred by the complainant in attending such appearance must be born by the complainant. Nature Care College Pty Ltd will provide you with a written statement of the appeal outcome, including details of the reasons for the outcome (as per Standard 8.1d of the National Code 2007).

**STAGE 3:** If not satisfied with a decision of the Chairperson of the Non-Academic Grievance Committee, the complainant may request that the matter be dealt with through an external dispute resolution process by the person/body appointed by the provider for that purpose. Nature Care College Pty Ltd will advise the complainant of his or her right to do so at minimal or no cost (as per Standard 8.3 of the National Code 2007). If you are dissatisfied with the outcome of the mediation you may appeal the decision by requesting an external independent arbitrator. This gives you the opportunity to formally present your case. Nature Care College Pty Ltd will provide you with a written statement of the appeal outcome.

Nature Care College Pty Ltd has an arrangement with the Australian Council for Private Education and Training (ACPET) where the appointed mediator is the person in the capacity of the National Executive Officer (NEO) of ACPET. The NEO may refer the matter to the local Executive Officer (EO) of ACPET.

ACPET's role in supporting provider's grievance procedures is as follows:

**Informal Resolution** – External 'Round Table Conference' (Optional)

- The College can organise a 'Round Table Conference' between the student and a College representative at the Australian Council of Private Education and Training's (ACPET) office located at Suite 12, Level 14, 329 Pitt Street, Sydney, NSW.
- ACPET is the peak body representing private education and training providers in Australia. Nature Care College Pty Ltd is a member of ACPET.
- The college will contact ACPET within 24 hours of receiving a request from the student to arrange a 'Round Table Conference' within 10 working days.
- Options will be discussed and the desirable result is resolution of the complaint through conciliation. The outcome of Step 4 - the 'Round Table Conference' will be agreed to at the completion of the 'Round Table Conference'.
- ACPET's role is not to decide on the outcome but to facilitate the meeting to ensure both parties are able to present their views.
- If the complaint remains unresolved then the student can proceed to Formal Resolution.

**Formal Resolution** – External Professional Mediator Appointed

- Formal Dispute Resolution may be requested after all appropriate forms of informal resolution have been sought. The student can request mediation by completing an appropriate 'Request for Mediation' form. The College can request ACPET to organise an accredited independent professional Mediator. The Mediator will be organised within 14 working days and the outcome of this mediation will be known at the end of the mediation process.
- ACPET is not liable for any costs associated with the Mediation process.
- The Mediation can be held at ACPET's office. ACPET's role in the mediation is limited to organising the Mediator and a room for the Mediation.
- A support person may accompany the student during the Mediation.
- ACPET will not take part in the formal Mediation.
- Both parties will commit to resolving the complaint.
- The Mediator will provide a report on all outcomes of the Mediation to the provider and student.
- At completion of the Mediation, both parties must sign an Agreement agreeing to the outcomes.

This agreement does not remove the right to take further action under Australia's consumer protection laws. The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other higher education provider policies or under statute or any other law.

**Student Complaints and Appeals Procedure**

**Informal Resolution –**

External 'Round Table Conference' (ACPET to facilitate) (optional)

**Formal Resolution –**

External professional Mediator Appointed

**The College will keep appropriate records of grievances for at least five years, and allow parties to the complaint appropriate access to these records.**

ACPET's contact details are as follows:

Suite 12, Level 14, 329 Pitt Street, Sydney NSW Australia  
Box Q1076, QVB PO, Sydney NSW 1230  
Ph: (02) 9264 4490  
Fax: (02) 9264 4550  
E-mail [acpet@acpet.edu.au](mailto:acpet@acpet.edu.au)

NEO: Tim Smith - [Tim.Smith@acpet.edu.au](mailto:Tim.Smith@acpet.edu.au)  
EO, NSW and ACT: Penny Lannen - [Penny.Lannen@acpet.edu.au](mailto:Penny.Lannen@acpet.edu.au)

## **NON-ACADEMIC GRIEVANCE SCOPE**

The policy provides any student enrolled in a course of the College with three stages at which a complaint may be addressed. They are:

1. The student may take the complaint to any of the following:
  - a) A member of Student Support Services
  - b) The Registrar

The complaint must be dealt with in a reasonable time and at any rate within 21 days of receipt of the complaint, and where possible handled within the context of the relationship between the student and the person to whom the complaint is made.

2. If unsatisfied with the response to the complaint or the time taken to resolve the matter, the student may submit the complaint in writing to the Registrar and explicitly seek the involvement of the Non-academic Grievance Committee.

3. If not satisfied with a decision of the Non-academic Grievance Committee, the student may request the Principal for the matter to be dealt with through an external dispute resolution process by the person appointed by the College for that purpose.

## **NON-ACADEMIC GRIEVANCE PROCEDURE**

1. Any student enrolled in an accredited higher education course of the College has the right to lodge a complaint with the Non-academic Grievance Committee and to seek a review of the decision of that committee.

2. Where a complaint is dealt with under the first stage of this policy, (see above) The Student and Learning Services Manager must give reasons and a full explanation in writing for decisions and actions taken as part of the procedures if requested by the complainant and/or respondent.

3. Where a student is unsatisfied with the handling of a complaint under the first stage of this policy, and wishes to seek the involvement of the Non-academic Grievance Committee, such complaints must be submitted in writing to the Registrar and explicitly seek the involvement of the Non-academic Grievance Committee.

4. The Student and Learning Services Manager must acknowledge receipt of a complaint in writing within one week.

5. The complainant and/or respondent must not be victimised or discriminated against in any of the three stages set out in this policy.

6. If attempts at mediation have failed under the first stage of this policy, the Non-academic Grievance Committee must address a complaint within 1 calendar month of the receipt by the Student and Learning Services Manager of the written complaint;

7. The complainant must be given the opportunity to appear before the Non-academic Grievance Committee. Any costs incurred by the complainant in attending such appearance must be born by the complainant.

8. An impartial observer, agreeable to both the College and the complainant will be permitted (if the complainant and/or respondent requests) to attend the proceedings.

9. The complainant and/or respondent have the right to be represented by a third person (such as a family member, counsellor or other professional support person) if they so desire, but not to legal representation.

10. The Non-academic Grievance Committee must give reasons and a full explanation in writing for decisions and actions taken as part of the procedures if requested by the complainant and/or respondent.

11. The complainant must be informed in writing that the College has a process by which the decision can be reviewed externally. In the event that the Non-academic Grievance Committee's decision does not resolve the issue, the complainant may seek an external review by an independent *Review Officer* appointed by the College (see details above) within three months of the initial decision being communicated in writing.

12. Applications for the review of a decision of the Non-academic Grievance Committee must be submitted in writing to the Student and Learning Services Manager and explicitly state that a review of a decision of the Non-academic Grievance Committee is sought.

13. In relation to FEE-HELP the Student and Learning Services Manager must acknowledge receipt of an application for a review of a decision and inform the applicant in writing that, if the Review Officer has not advised the applicant of the decision within 45 days of receiving the application for review, then the Officer is taken to have confirmed the original decision.

14. The decision of the Non-academic Grievance Committee meeting(s) at which the decision was originally made and all tabled documents dealing with the grievance must be forwarded to the *Review Officer*.

15. Records of all grievances and applications for review of decisions must be kept and be accessible to all interested parties for a period of five years. Such records must remain confidential.

16. The *Review Officer* must give reasons and a full explanation in writing for decisions and actions taken as part of the procedures if requested by the complainant and/or respondent.

17. In relation to FEE-HELP the Review Officer must inform applicants of their right to apply to the; Administrative Appeals Tribunal for a further review of the decision; and provide the contact details of the nearest Administrative Appeals Tribunal Registry, and the approximate cost of lodging an appeal with the Tribunal.