

LATROBE COLLEGE OF ART AND DESIGN

COMPLAINTS NON-ACADEMIC GRIEVANCE PP

Standard 10 ESOS Code of Practice 2018 / RTO Standards 2015, 6.1

Overview

Latrobe College of Art and Design (LCAD) is committed to providing an effective, efficient, timely, fair and confidential non-academic grievance handling procedure for all students, staff and other parties.

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

Non-academic matters include those matters which do not relate to student progress, assessment, course content or awards in a course and include complaints in relation to personal information that the provider holds in relation to the Student. Non-academic grievances tend to arise from events occurring at a provider or from decisions made by a provider.

Non-academic matters include complaints made by teaching or support staff, visiting artists and external bodies.

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 subclause 45(1) of Schedule 1A of the Act who are, or would be entitled to VET STUDENT LOANS assistance under clause 43 of Schedule 1A of the Act.

Complainant/s refers to those (as defined above under Non-academic matters) who have lodged a non-academic complaint with Latrobe College of Art and Design

The College refers to Latrobe College of Art and Design

Responsibility

The Chief Executive Officer is responsible for implementation of this policy and procedure and ensuring that all staff is fully trained in its operation and students, staff and complainants are made aware of its availability.

Grounds for Lodging a Non Academic Grievance

In the event of a grievance by a complainant:

- 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 the Colleges' policies on Confidentiality, Privacy and Data Protection;
- 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 pertinent to the case.

This policy is applicable to complainants with 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.

Principles that Underpin these Grievance Procedures

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

- Treated seriously and with fairness;
- Dealt with quickly, simply and at the level of the specific College campus as far as is possible;
- 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.

Before an Issue Becomes a Formal Grievance

Prior to lodging a formal grievance, the complainant is encouraged to discuss their concerns with the Course Coordinator. Any formal grievance must be made in writing within fourteen working days of results being published. A formal grievance should include a detailed breakdown of the reasons for the grievance. Grievances should be presented, in the first instance, to the Course Coordinator.

INFORMAL GRIEVANCE PROCEDURE

Informal Stage 1:

In the first instance those who wish to lodge a grievance should discuss the issue with the Course Coordinator, who will advise whether or not, the grievance, is best, progressed through:

- the Course Coordinator or Head of Art;
- Reference to specific persons who can resolve the problem;
- These grievance procedures.

If the grievance directly involves the Course Coordinator or the College management it shall proceed directly to the Formal Stage. Assuming it is agreed that the grievance shall be progressed through these grievance procedures, the member of staff consulted shall discuss the grievance fully with the complainant and - with the complainant's consent - anyone else involved, to see if it can be resolved informally. This may involve referral of the grievance to a third party. The outcome of grievances dealt with informally should be briefly documented. Normally, grievances handled through Informal Stage 1 shall be dealt with within, at most, ten working days, briefly documented, and a copy of the decision sent to the complainant in writing.

Informal Stage 2:

If the complainant is dissatisfied with the outcome of Informal Stage 1, the grievance shall be referred to the CEO (or nominee) not involved in the Formal Grievance Process in this case, within ten working days of the completion of Informal Stage 1.

The CEO of LCAD shall investigate the grievance fully and shall seek to achieve an informal resolution of the problem(s), either by correspondence or through discussion with the complainant as soon as possible. The CEO will provide a written report to the complainant on the steps taken to address the grievance within ten working days. If the grievance directly involves the Course Coordinator it shall proceed directly to the Formal Stage.

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 Latrobe College of Art and Design 138 Cromwell St Collingwood 3066. Telephone: 03 9495 6622. Email: admin@latrobecollege.edu.au.
- A Complainant shall have access to this grievance procedure at (at no cost).

Stage One

- Formal grievances should be submitted in writing to the Course Coordinator, LaTrobe College of Art and Design 138 Cromwell St Collingwood 3066. Telephone: 03 9495 6622. Email: admin@latrobecollege.edu.au.
- The Course Coordinator will consult with all parties to assess the grievance, determine the outcome and advise the Complainant in writing of their decision within (10 working days).
- If the grievance involves the Course Coordinator themselves they will then delegate to the CEO or another senior staff member of the College, if they are the same person.
- 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 The Board of Directors, Latrobe College of Art and Design 138 Cromwell St Collingwood 3066. Telephone: 03 9495 6622. Email: admin@latrobecollege.edu.au.

- The Complainant's appeal will be determined by the CEO of Latrobe College and an independent and impartial officer of Latrobe College of Art and Design, referred here 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. The CEO will advise the complainant of their right to access an external reviewer within 10 business days of concluding the review.
- The reviewer will be the CEO. If the CEO is the same person as the Course Coordinator then the interviewer will be the next person of authority at LCAD such as the Head of Art

Stage Three - External Mediation

If the complainant is dissatisfied with the outcome of their appeal, they may make a written request to the CEO for the matter to be resolved through an external dispute resolution process facilitated by the AUSTRALIAN MEDIATION ASSOCIATION (AMA).

The CEO will then advise AMA in writing of the request within five working days. AMA will arrange for a paper based appeal (PBA) to be held between The College and the complainant within ten working days of the written notification from the College. AMA will charge a fee for this service.

AMA Contact Details:

AUSTRALIAN MEDIATION ASSOCIATION (AMA).

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

FURTHER

- The College will bear any costs associated with the mediation.
- The complainant or any respondent to the grievance may ask another person to accompany them to meetings with the mediator. The mediator will report to the CEO the outcome of the mediation, including any recommendations arising, within fourteen working days of the completion of the review.
- Once the CEO receives the report of the outcomes from the independent mediation, they will provide a written report to the complainant within ten working days on the recommended actions to resolve the grievance.
- The College agrees to be bound by the independent mediator's recommendations and the CEO will ensure that any recommendations made are implemented within thirty working days of receipt of the mediator's report.
- If a grievance still remains unresolved after the external dispute resolution process, the complainant may decide to refer the matter to an external agency, such as the Anti-Discrimination Board, the Office of Fair Trading or the relevant state Ombudsman. Students enrolled in VET course of study may decide to refer the matter to the relevant State or the National regulator.
- LCAD will maintain the student's enrolment or staff member's employment whilst the complaint or appeals process is ongoing.
- The college regularly updates the complainant or appellant on the progress of the matter.
- Any external or internal complaint handling or appeals process results in a decision that supports the complainant, LCAD immediately implements any decision and / or corrective and preventative action required.
- The college will examine the root cause of the issue and if it can it will make appropriate changes to college policies and procedures to help avoid the problem occurring again. At the completion of the issue or during the case notes will be added to the **MCI 27 COMPLAINTS REGISTER**. Recommendations or changes that can be made by the Course Coordinator will be added to the **MCI 00 ACTIONS & Recommendations Register** that will be ratified by the College Quality Group. Any issues not able to be changed easily will be directed to the College Quality Group board for decision making.

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.
- LCAD makes every effort to process and finalise a complaint or appeal in 60 calendar days, when working with third party support, or the complaint and appeal, together, extends to its maximum time, it is possible the 60 days will be too short. If this is the case LCAD will write to the complainant or appellant explaining the reasons that matter will take longer than 60 days to resolve.

Publication

This *Non-Academic Grievance Policy and Procedure* will be made available to Students through publication on the website www.latrobecollege.com.au and Student Handbook