



Student Grievance Procedure

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Purpose

To state a clear and fair process for students to raise a Grievance, and to identify the member of staff responsible for settling the Grievance.

Scope

The procedure described in this document applies to all students and staff of the University and is designed for the settlement of Grievances. A Grievance may include a student against student or student against a staff member.

This procedure does not apply if the subject of the Grievance relates to:

1. a matter covered by alternative formal review, appeal, grievance or other dispute settling procedures, nor to the outcome of a merit-based selection process;
2. a decision of the University Council;
3. the content of approved policies or legislation of the University;
4. decisions of any Student Discipline, Review or Appeal Committee established in accordance with University policy or legislation;
5. decisions of the Vice-Chancellor or Committee which are stipulated as final in University policy or legislation.

Definitions

Advocate:	A third party who represents the Complainant or Respondent during the Informal or Formal Procedure in accordance with the Right to an Advocate, but who is not legally trained.
Complainant:	The student lodging the Grievance.

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Student Grievance Officer:	Nominated staff members within each School, Portfolio or Private Provider. Refer to the Legal - Grievances and Complaints website for a full listing of available Student Grievance Officers.
Grievance:	Behaviour or action which has or is likely to have an unreasonable negative impact on the student in relation to their studies.
Investigator:	An investigator independent to the parties of the Grievance. For students enrolled as international students of the University the Investigator will be external to the University.
Party:	Means the Complainant and/or Respondent.
Principles of Natural Justice:	General procedural fairness in the handling of a Grievance that involves all of the following elements: <ul style="list-style-type: none"> • the right to a fair hearing; • the right to attend hearings with a friend or support person, if required; • the opportunity for all parties involved to be heard; • the Respondent having full knowledge of the nature and substance of the Grievance; • the Complainant not determining the outcome, but may be a party to it; • the right to an independent, unbiased decision-maker; • a final decision that is based solely on the relevant evidence.
Private Provider:	A third party provider who has entered into an agreement with the University of Ballarat to deliver all or part of a course to students.
Respondent:	The person(s) against whom the Grievance has been lodged.
Senior Management:	The Vice-Chancellor, Senior Deputy Vice-Chancellors and Vice-Presidents.
Staff member:	Any person who is an employee of the University at the time of the Grievance. This includes full-time, part-time, sessional or casual staff.
Student:	Any person enrolled as a student of the University. This includes full-time, part-time, block-mode or distance education students.
Support person:	Means an observer who accompanies the Complainant or Respondent during the Informal or Formal Procedure.
University Grievance Officer:	Staff member appointed by the Vice-Chancellor.

Actions

Preliminary Action

1. Before initiating the following procedures, Complainants are encouraged to try to settle any Grievance directly with the person(s) concerned.
2. A Complainant should raise their Grievance with the Respondent as early as possible.
3. At any time while trying to settle the Grievance, a Complainant or Respondent may consult confidentially with anyone they choose, including their Student Association or a University Counsellor, and may seek advice from the University Grievance Officer.

Informal Procedure

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1. The Informal Procedure for the settlement of Grievances will not normally be invoked unless the Complainant has attempted to settle the Grievance directly with the Respondent as outlined in the Preliminary Action above.
2. A Complainant may refer the Grievance to a relevant Student Grievance Officer for settlement of the Grievance.
3. To commence the Informal Procedure the Complainant must provide in writing to the appropriate Student Grievance Officer:
 - a clear statement of the Grievance, including the parties to the Grievance;
 - a process for trying to settle the Grievance, which will be considered by the Student Grievance Officer;
 - a suggested solution which the Complainant believes would settle the Grievance. An appropriate solution will focus on achieving a productive study environment or relationship, rather than apportioning blame.
4. Within 10 working days of receiving the notification of the Grievance the Student Grievance Officer will determine whether the subject matter, prima facie, falls within the definition of a Grievance. Where it is determined that the subject matter falls within the definition, the Student Grievance Officer will:
 - a. gather such other information as required to assist with the settlement of the Grievance, including providing the Respondent with the statement of the Grievance and the opportunity to respond; and
 - b. attempt to settle the Grievance by using the process outlined by the Complainant for settlement (if appropriate) or through discussion; or arranging counselling; mediation and/or conciliation ("the Informal procedure").Where it is determined that the subject matter of the Grievance falls outside the definition of a Grievance, the Student Grievance Officer will advise the Complainant accordingly. The Student Grievance Officer may dismiss a Grievance if in their view the Grievance is ill-advised, misguided, frivolous, malicious or vexatious.
5. After the conclusion of the Informal Procedure, the Student Grievance Officer will write to both the Complainant and Respondent indicating the outcome of the process and specifying any action that has been agreed by the parties as part of that process.

Formal Procedure

The formal procedure for the settlement of Grievances will not normally be invoked unless the matter has been first referred for settlement under the Informal Procedure.

1. If settlement of the Grievance has not been achieved for any reason, including as a result of a determination by the Student Grievance Officer that the subject matter falls outside the definition of a Grievance or as a result of the Grievance being dismissed under the Informal Procedure, a party may seek settlement of the Grievance through the Formal Procedure. The Formal Procedure will normally be invoked within 5 working days of the Student Grievance Officer notifying the parties of the outcome of the Informal Procedure or from the date of the conclusion of the unsuccessful mediation and/or conciliation.
2. A formal Grievance may only be commenced by lodging a Grievance Lodgement Form, with the University Grievance Officer.
3. Within 10 working days of receipt of the Grievance Lodgement Form the Vice-Chancellor must appoint an Investigator to hear the Grievance.
4. The Investigator will, within 15 working days of appointment:
 - a. gather information from both the Complainant and Respondent and such other persons or seek any further information the Investigator considers necessary and will conduct any investigation in accordance with Principles of Natural Justice;
 - b. determine whether the Grievance is justified; and
 - c. recommend to the Vice-Chancellor appropriate action which may include: counselling for either or both parties; arranging for conciliation of the Grievance; recommending disciplinary action; or that no further action be taken.If, in the Investigator's view, the Grievance is ill-advised, misguided, frivolous, malicious or vexatious, the Vice-Chancellor will advise the Complainant and other parties as appropriate in writing of this finding and the reasons

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for the finding. Where appropriate the Vice-Chancellor will take action in accordance with relevant student discipline provisions against the Complainant.

5. On receipt of the Investigator's report, the Vice-Chancellor will:
 - a. take such action as the Vice-Chancellor deems appropriate; and
 - b. notify in writing both the Complainant and Respondent of the outcome of the process, the reasons for the decision and specify any action to be taken.
6. The decision of the Vice-Chancellor is the final step in the Grievance process and is not open to challenge via any other dispute settling procedures of the University.

Senior Management

1. If a Grievance is against a member of the University's Senior Management, the matter will be taken directly to the University Grievance Officer who will refer the matter to the Chancellor.
2. The Chancellor, after consultation with one Deputy Chancellor, will have discretion as to the appropriate procedure to be used in determining whether a Grievance has substance and the appropriate process within the spirit of this procedure for settling the complaint.

Right to an Advocate

All students have the right to a Support Person during the Informal and Formal Procedure. A Support Person is only an observer who shall not speak unless invited by the individual responsible for conducting the Informal or Formal Procedure

Students enrolled as international students of the University, or domestic students whose capacity for self-advocacy is impaired because of disability, have the right to a non-legally trained Advocate of their choosing during the Informal and Formal Procedure. An Advocate may represent the case on behalf of these students.

Confidentiality

All persons associated with the informal and formal procedures should maintain confidentiality and only discuss the Grievance with those who have responsibility for dealing with the Grievance.

External Agencies

Complaints about administrative actions and decisions of the University can be made to the Victorian Ombudsman. Refer to the [Ombudsman Victoria](#) website. Students studying in the State of Queensland can make a complaint to the Queensland Ombudsman's office. Refer to the [Ombudsman Queensland](#) website.

The Ombudsman is, generally, the office of last resort. If you have not followed the steps laid down in the relevant University procedures, the Ombudsman may ask you to do so before accepting your complaint.

Responsibilities

All students and staff are expected to conduct themselves in a manner which respects the rights and welfare of other members of the University and to show competence, care, good faith and compliance with instructions, policies and procedures in the performance of their duties and in undertaking their studies.

All staff are responsible for handling complaints by students and where the subject matter of the complaint prima facie falls within the definition of a Grievance, to refer students to this Procedure.

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Student Grievance Officers are responsible for trying to actively settle Grievances promptly in the education environment. Student Grievance Officers should seek advice from the University Grievance Officer.

It is the **Complainant's** responsibility to raise the issue(s) of the Grievance as soon as possible with the other party/parties and agree to be involved in settling the issue(s) prior to making a formal complaint.

The **University Grievance Officer** is responsible for providing procedural guidance to all parties in accordance with this Procedure.

The **Vice-Chancellor** has overall responsibility for the implementation and review of this Procedure.

Policy Base

- [2007 Australian Quality and Training Framework Standards](#).
- [Department of Education, Employment and Workplace Relations - 'National Complaints Code: National Code of good practice for responding to complaints about Vocational Education and Training'](#).
- [Student Grievance Policy](#).
- [Bullying Prevention and Management Policy](#).
- [Bullying Prevention and Management Procedure](#).
- [Harassment Policy](#).
- [Harassment Complaint Procedure](#).
- [Equal Opportunity and Valuing Diversity Policy](#).
- [Whistleblowers - Investigating Disclosures Under the Whistleblower's Protection Act 2001 Procedure](#).
- [Information Privacy Policy](#).

Associated Documents

- [Public Record Office Victoria- "Retention and Disposal Schedule for Higher and Further Education Institutions"](#).

Forms.

- [University of Ballarat Grievance Lodgement Form](#) (DOC 309.5kb)

Forms/Record Keeping

The Student Grievance Officers and University Grievance Officer are required to keep file notes of any action under the Informal or Formal Procedures. Such files notes are to be marked strictly confidential and held in a secure and restricted filing cabinet. Notes should be kept to a minimum stating only facts and relevant details as described by the parties and the outcome of the interview.

At the conclusion of the process, the confidential file should be forwarded to the University Grievance Officer. If the Grievance is taken outside the University this record may be used to demonstrate what steps were taken to settle the Grievance. The files will also be used for annual reporting purposes (with statistical information only).

Grievance records will be held by the University Grievance Officer in accordance with the Public Records Office Victoria's *Retention and Disposal Schedule for Higher and Further Education Institutions* specifically class no's 9.0.0 to 9.4.0 Student Administration – Grievances.

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