



University of
South Australia

Centre for
English Language

STUDENT GRIEVANCES AND COMPLAINTS POLICY

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SECTION A - INTRODUCTION

A.1 Purpose

This Policy details the commitment of the South Australian Institute of Business and Technology (SAIBT) and the Centre for English Language in the University of South Australia (CELUSA) to the provision of proper and fair avenues of redress for student concerns.

A.2 Scope

This policy covers all prospective and current students of the:

- South Australian Institute of Business and Technology (SAIBT)
- Centre for English Language in the University of South Australia (CELUSA)

A.3 Definitions

| Word/Term | Definition |
|------------------|--|
| Advocate | A person who provides assistance and support to any party to a complaint |
| Appeal | Requesting a review of a previous decision according to the Student Grievances and Appeals Procedure |
| Complaint | A verbal or written communication from a student who believes they have been treated unfairly or inappropriately, either by a staff member or student of SAIBT/CELUSA, through their dealings with a SAIBT/CELUSA service provider, or as a result of SAIBT/CELUSA policies and procedures |
| Complainant | A student who has lodged a complaint under this policy |
| Grievance | The complaint |
| Intimidation | Threatening or bullying behaviour |
| Orientation | Information day/week that all students attend when commencing their SAIBT/CELUSA program or course or ELICOS non-award |
| Respondent | The person or persons whose alleged behaviour or action/inaction is the subject of the complaint |
| Victimisation | Selective or unfair discrimination against an individual or individuals |

A.4 Acronyms

| Abbreviation | Phrase or Word |
|---------------------|--|
| CELUSA | Centre for English Language in the University of South Australia |
| ITR | Intention to Report |
| SAIBT | South Australian Institute of Business and Technology |

SECTION B - POLICY STATEMENT

B.1 Principles

This policy is underpinned by the principles of natural justice and procedural fairness, and emphasises the need to resolve a grievance as early as possible and as close to the source as possible.

All students have the right to have a grievance or appeal dealt with in relation to any matter in which they feel that they have been unjustly treated or where SAIBT and CELUSA has not acted in accordance with its policies and procedures.

All grievances and appeals will be treated seriously and dealt with promptly, impartially, sensitively and confidentially.

This policy exemplifies SAIBT and CELUSA's commitment to a just, harmonious and fair learning environment by providing students with access to processes which support the thorough resolution of grievances and disputes.

B.2 Policy

1 Introduction

- 1.1** Every student may access the rights embodied in this policy, irrespective of the location of the campus at which the grievance has arisen, the student's place of residence or the mode (face-to-face or online) in which they are studying.
- 1.2** Grievances and appeals will be dealt with fairly and without victimisation or intimidation either during or after a grievance resolution process. Neither the complainant nor the respondent will be victimised or discriminated against at any stage in the grievance resolution process.
- 1.3** A student who feels that a decision made by a member of staff does not accord with SAIBT and CELUSA's policies and procedures, or who has an experience which, they believe, contravenes SAIBT and CELUSA's stated policies and procedures, has the right to have their grievance considered in a timely fashion.
- 1.4** For matters relating to Sexual Assault and Sexual Harassment, students and staff are also referred to the Sexual Assault and Sexual Harassment Prevention and Response Policy.
 - 1.4.1** A student who wishes to discuss or disclose an incident, or suspected incident, of Sexual Assault or Sexual Harassment can seek support from the Student Counsellor, who will also provide them with information on the various reporting options. Any information shared with the Student Counsellor will remain confidential unless permission is given by the individual for reporting purposes.

2 Appeals

- 2.1** At all stages of the grievance and appeals process a full written explanation of decisions and actions taken will be provided to the complainant or respondent upon request or as legislated.

- 2.2** At Stage 3 of the grievances and appeal process, the complainant and/or respondent will be invited to formally present their case and, if they wish, may be accompanied by an advocate, such as a family member, friend, counsellor or other professional support person with the exception of a qualified legal practitioner.
- 2.3** Students under the age of 18 will also be invited to formally present their case. If they choose to do so, they must be accompanied by an advocate who is not a lawyer who is at least 18 years of age.
- 2.4** If a student is not satisfied with the process or outcomes of SAIBT and CELUSA's internal grievance and appeals process, they have the right, at no cost to them, to seek external arbitration of their grievance through the relevant external appeal body as outlined in the Student Grievances and Appeals Procedure.
- 2.5** At any time students can also access mediation and support services at their own expense.
- 2.6** The principles set out in this policy do not replace or modify any other obligations, responsibilities, procedures or principles which may exist under other higher education provider policies, or under statute or any other law.
- 2.7** Unless a risk exists to either the student or to others, the student's enrolment with SAIBT and CELUSA will be maintained and they will be required to attend class throughout any grievance and appeals process.
- 2.8** There is no restriction to the number of external appeals a student may lodge.
- 2.9** If a student receives multiple Intention to Report (ITR) notifications for unsatisfactory attendance and chooses to lodge multiple external appeals SAIBT/CELUSA will report them following the outcome of any one externally rejected appeal.
- 2.10** If an external appeal is resolved in a student's favour and the student has not lodged an appeal for another ITR, then the student will be reported on the basis of that ITR.
- 2.11** If the internal or any external complaint handling or appeal process results in a decision that supports the student, the College Director will immediately implement any decision or action and, if required, advise the student.

3 Legal action

- 3.1** This policy does not preclude, or inhibit in any way, a student's right to further action under Australian Law.
- 3.2** SAIBT has an obligation to report breaches of Australian law to the relevant authorities.

4 Confidentiality and record keeping

- 4.1** All necessary steps will be taken to ensure that information regarding the grievance will be disclosed only to those persons who have a legitimate right to the information by virtue of their role in the appeals process.
- 4.2** Records of appeals and grievances will be kept in accordance with the **Navitas Records Management, Retention and Disposal** Policy.

5 Policy dissemination and staff training

- 5.1** This policy is communicated to:
- all staff via the website

- academic staff through the Staff Induction Handbook
- students in pre-enrolment material
- students verbally during Orientation Day
- students via the website
- the general public via the website.

5.2 Academic Directors are responsible for inducting academic staff in the obligations covered in this policy and the attendant procedures. Academic Directors and their staff are also responsible for making themselves available to explain the policy to students in plain language and to advise them of their rights and obligations under the policy.

5.3 All Managers are responsible for inducting their staff in the application of this policy's rights, obligations and procedures.

SECTION C - GOVERNANCE

C.1 Responsibility

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|----------------------------|--|
| Identification | Student Grievances and Appeals Policy |
| Policy Owner | College Director |
| Approving Authority | SAIBT/CELUSA Academic Board SAIBT Executive Group |
| Initial Issue date | August 2012 |
| Directory Location | Policies, SAIBT, College Directorate |

C.2 Version Control

| | |
|-------------------------------|---------|
| Current Version Number | 5.3 |
| Date of Effect | 02/2024 |
| Review Date | 05/2026 |
| Privilege Level | Public |

C.3 Legislative and Organisational Context

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|--|
| Name |
| ELICOS National Standards |
| The National Code of Practice 2018 |

SECTION D - PROCEDURE

D.1 Related Procedures

Student Grievances and Appeals Procedure

D.2 Related Policies

Parent Complaints Policy

Student Code of Conduct

Navitas Records Management, Retention and Disposal Policy