

Academic Grievance Policy and Procedure		
Code: A1.14	Area: Academic	
Policy Owner: Academic Board	Version #: 1.4	Date: 24 Nov 2022
Policy Developer/Reviewer: QAM	Review date: 24 Nov 2025	

## VERSION HISTORY

Version	Updated by	Approval Date	Details
1.0	Academic Board	31 May 2018	Policy approved by Academic Board.
1.1	Academic Board	29 May 2019	Updated the staff member who reviews academic grievances.
1.2	Academic Board	17 Jan 2020	Added Section 2.4: Advocacy and Section 2.6: Publication.
1.3	PRG	15 Dec 2021	Removed A/Dean from policy.
1.4	Academic Board	24 Nov 2022	Regular review without changes.

## PURPOSE AND SCOPE

The aim of this policy is to:

- Provide guidance on resolving grievances relating to academic matters.
- Outline the steps involved for students to make a complaint and appeal against academic decisions.
- Outline the steps to resolve issues relating to academic matters.

This policy applies to all students at the Sydney Institute of Traditional Chinese Medicine (SITCM).

## 1 OVERVIEW

The Sydney Institute of Traditional Chinese Medicine (SITCM) is committed to resolving student grievances and complaints of an academic nature in an effective, timely, fair, and confidential manner at all times. Students at SITCM are able to access a four-stage grievance process for resolving complaints: Informal, Formal, Appeal and External Appeal (Mediation).

This policy has been informed by the *Higher Education Standards Framework (Threshold Standards) 2021*, in particular Standard 2.4 Student Grievances and Complaints.

For information on staff grievances, refer to the *Staff Grievance Policy and Procedure*. For information on student grievances of a non-academic nature, refer to the *Non-Academic Grievance Policy and Procedure*.

## 2 POLICY

### 2.1 ACADEMIC GRIEVANCE HANDLING

- 1) All grievances will be treated seriously, sensitively and promptly.
- 2) Complainants will be treated fairly and will not be victimised or discriminated against during the grievance process.
- 3) Complainants have the right to be represented by a support person at each stage of the grievance process.
- 4) Staff and students are expected to participate in the grievance handling process in good faith.
- 5) Student privacy will be respected at all times during the grievance process.
- 6) SITCM is required under the *Privacy Act 1988* to comply with Australian Privacy Principles during the collection, use, and disclosure of personal information (see the *Privacy Policy* for more information).
  - a. SITCM will allow parties who have lodged a grievance or appeal under this policy to access the records of that use, but will otherwise keep the records confidential.
  - b. To ensure privacy and confidentiality, as few staff members as possible should handle grievances.
- 7) All decisions in favour of the complainant will be implemented immediately.

### 2.2 GRIEVANCE AND COMPLAINTS REGISTER

- 1) At all stages of the grievance process, discussions, actions and decisions will be recorded in writing.
- 2) Records of grievances, formal complaints, appeals and decisions will be kept for at least five years in the *Grievance and Complaints Register*, the details of which are kept strictly confidential to comply with SITCM's *Privacy Policy*.
- 3) Any updates in the *Grievance and Complaints Register* that relate to academic grievances are reviewed by the Teaching and Learning Committee, with key cases then reported to the Academic Board.
- 4) The content of the *Grievance and Complaints Register* will be used to draft an annual *Incident Report*. This report will be presented to the Academic Board and Board of Directors, who will consider the implementation of each recommendation contained within the report.

### 2.3 ACADEMIC GRIEVANCES

- 1) An academic grievance is any issue, problem, concern or complaint, made by a student arising from an academic matter.
- 2) An academic matter is any matter relating to student progress, assessment, and awards at SITCM.
- 3) Non-academic grievances must follow the *Non-Academic Grievance Policy and Procedure*.
- 4) Academic grievances include (but are not limited to):
  - a. Student progress.
  - b. Assessment decisions.
  - c. Course curriculum matters.
  - d. Academic Misconduct matters.
  - e. Awards in an SITCM course.

## 2.4 ADVOCACY

- 1) A student is entitled to bring any one support person of their choosing into a meeting regarding a grievance case at SITCM.
- 2) Where a student wishes for advocacy in a grievance case, be it formal or informal, the student may request support from one of the following members of the Student Staff Consultative Committee (SSCC):
  - a. A student representative for that student's year level;
  - b. The Associate Chair of the SSCC; or
  - c. The Chair of the SSCC.
- 3) The names of all student representatives, including the Associate Chair and the Chair, are provided to students by email upon their appointment at the beginning of each year.
- 4) The student may also seek support from the Student Support Officer, who may either provide support to the student themselves or direct the student to an appropriate source of support.
- 5) Each party to a grievance or an appeal can be accompanied or assisted by another person, at that party's cost.

## 2.5 FRIVOLOUS COMPLAINTS

- 1) Students must not make grievances/complaints that are frivolous, vexatious, malicious or lacking in substance.
  - a. A frivolous complaint is one that is determined to be trivial or of such slight importance as to not be worthy of a grievance.
  - b. A vexatious or malicious complaint is one made without grounds intending to cause annoyance or frustration.
- 2) SITCM may choose not to proceed with grievances/complaints that are frivolous, vexatious, malicious or lacking in substance.
  - a. The student will be notified that the grievance/complaint is not proceeding.
- 3) Students whose grievances/complaints are rejected because they are frivolous, vexatious, malicious or lacking in substance may:
  - a. Re-submit a grievance/complaint that is not frivolous, vexatious, malicious or lacking in substance; OR
  - b. Make an appeal to an external authority. Please see Section 3.1.4 for information about outside authorities.

## 2.6 APPEALS

- 1) A complainant who is dissatisfied with the outcome of a formal grievance case may lodge an appeal on one or more of the following four grounds only:
  - a. A procedural irregularity has occurred (which may include that the complainant has not received a fair hearing in all the circumstances);
  - b. There is new information that could not reasonably have been provided at the time of the original decision, and that would probably have affected the decision or any penalty imposed;
  - c. The decision was manifestly wrong; or
  - d. The penalty imposed was manifestly excessive, inappropriate or not available in the circumstances

## 2.7 PUBLICATION

- 1) This policy is published on the SITCM website and learning management system Moodle.

- 2) Posters outlining key information from this policy are located around the SITCM Campus.

### 3 PROCEDURES

#### 3.1 GRIEVANCE PROCEDURES

Students at SITCM have access to a four-stage academic grievance procedure.

##### 3.1.1 STAGE 1: INFORMAL GRIEVANCE

- 1) In the first instance students should contact the relevant academic staff member to attempt to resolve the dispute as early as possible.
  - a. When meeting with SITCM staff members students have the right to be accompanied by a support person if they chose to do so.
  - b. An informal complaint can be made in person or via email.
- 2) It is not mandatory to attempt to resolve a grievance informally and not doing so is not prejudicial to the formal grievance process.
- 3) If the issue is not able to be resolved informally then the student may make a formal complaint.

##### 3.1.2 STAGE 2: FORMAL GRIEVANCE

- 1) The Registrar will manage formal grievances.
- 2) A formal grievance must be submitted on the *Complaints and Grievances Declaration Form* and emailed to the Administration Office.
- 3) The receipt of the grievance will be acknowledged in writing via email.
- 4) The Registrar, or other nominated person, will, if necessary, request further information from the student.
- 5) The Course Coordinator will investigate the grievance/complaint and make a decision within 10 working days.
  - a. If the Course Coordinator is unavailable, or the subject of the grievance, then the investigator will be another staff member nominated by the Dean.
- 6) If the student is not happy with the outcome of the grievance, they make an appeal.

##### 3.1.3 STAGE 3: APPEAL (INTERNAL PANEL)

- 1) The Registrar will manage appeals.
- 2) An appeal must be submitted in the Appeals section of the *Complaints and Grievances Declaration Form* and emailed to the Administration Office.
  - a. The appeal must be made within 10 working days of receiving the outcome of the formal grievance/complaint.
  - b. Students will not be charged for an internal appeal except where the cost arises from being accompanied or assisted by another person.
  - c. Any student complaint regarding the outcome of an academic misconduct decision (refer to the *Academic Misconduct Policy and Procedure*) or the outcome of a review of assessment decision (refer to the *Student Assessment Policy and Procedure*) will begin at this stage of the grievance process.
- 3) The receipt of the appeal will be acknowledged in writing via email.
- 4) An appeal panel will be convened within 15 working days to assess the appeal.
- 5) The appeal panel will be Chaired by the Dean and include two additional members of either the Executive Management Committee or the Teaching and Learning Committee, as selected by the Dean.

- a. Staff members involved in the original grievance/complaint are not able to be members of the panel.
  - b. If the Dean cannot be on the appeal panel due to a conflict of interest, the CEO will determine who should chair the appeal panel.
- 6) The decision of the appeal panel is the final outcome from the internal SITCM grievance/complaints process.
  - 7) If the student is not happy with the outcome of their appeal, they will be advised of their right to proceed to Stage 4 of the grievance procedures.

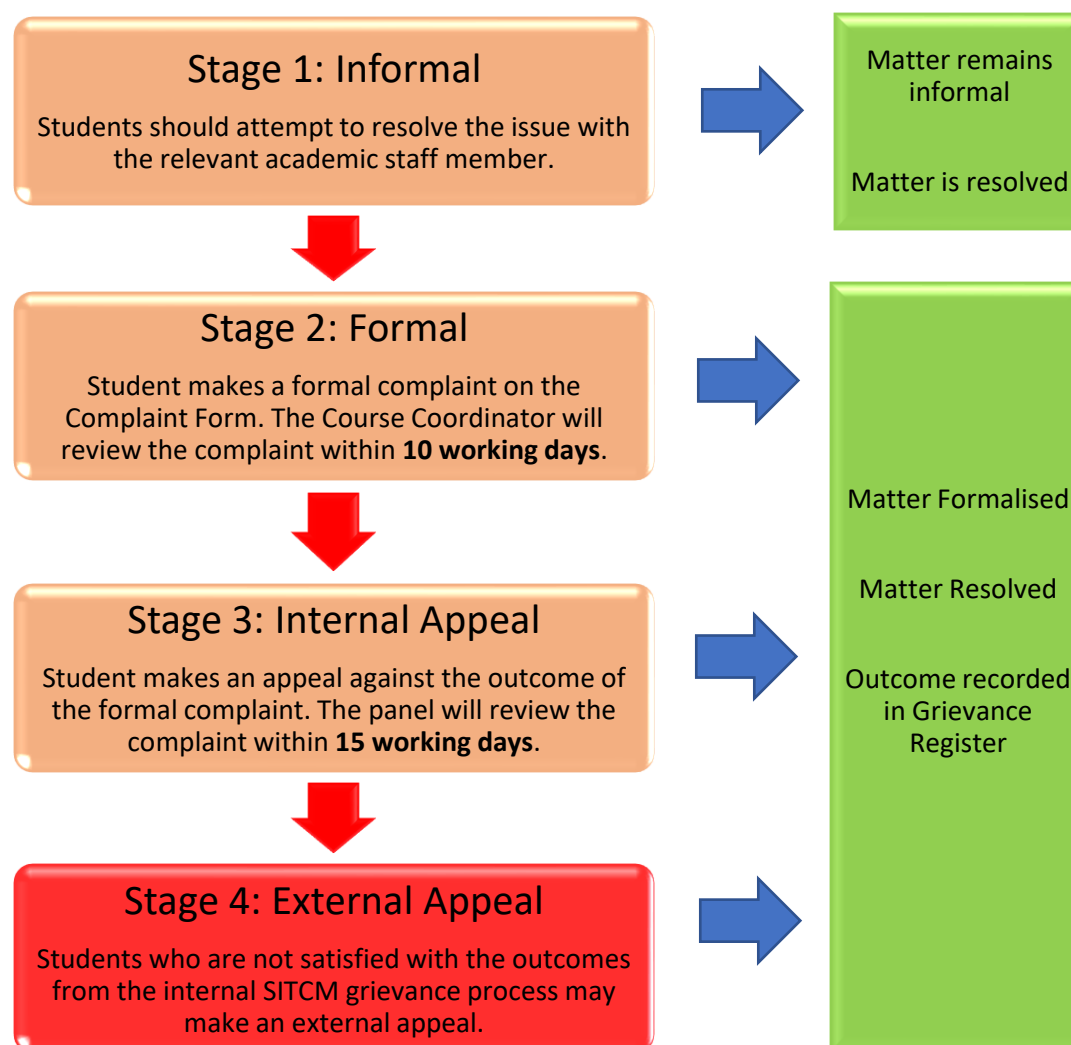
#### **3.1.4 STAGE 4: APPEAL (EXTERNAL MEDIATOR)**

- 1) External appeals may be made after all internal processes for grievance/complaint resolution have been undertaken and concluded.
- 2) The purpose of the external review is to consider whether SITCM has followed its grievance policy and procedures, and to attempt to reach a resolution.
- 3) SITCM and the complainant will agree on an external qualified mediator.
  - a. Qualified mediators can be found at Resolution Institute:  
<https://www.resolution.institute/resolving-disputes/mediation>
- 4) SITCM will provide due consideration of recommendations arising from an external appeal.
- 5) SITCM will cover the reasonable costs of mediation. Students will not be charged for an external appeal except where the cost arises from being accompanied or assisted by another person.

#### **3.2 NOTIFICATION**

- 1) At all stages of the grievance process SITCM will notify students in writing (email) of the outcome of their formal grievance/complaint or appeal, including reasons for the decision and advice about how to have the decision reviewed.

### 3.3 GRIEVANCE FLOWCHART



### 3.4 FURTHER ACTION

Students who have completed the SITCM grievance process and are still unhappy with the outcome may make a complaint to outside bodies.

#### 3.4.1 DOMESTIC STUDENTS

- 1) TEQSA: <https://www.teqsa.gov.au/complaints-domestic-students>
- 2) Australian Competition and Consumer Commission (ACCC): <https://www.accc.gov.au/consumers/complaints-problems/make-a-consumer-complaint#step-2---contact-the-accc-or-another-third-party>

#### 3.4.2 INTERNATIONAL STUDENTS

- 1) Overseas Students Ombudsman (OSO): <http://www.ombudsman.gov.au/about/overseas-students>
- 2) TEQSA: <https://www.teqsa.gov.au/complaints-international-students>

**4 RELATED POLICY AND OTHER DOCUMENTATION**

- 1) Higher Education Standards Framework (Threshold Standards) 2021.
- 2) Staff Grievance Policy and Procedure.
- 3) Non-Academic Grievance Policy and Procedure
- 4) Privacy Act 1998.
- 5) Privacy Policy.
- 6) Grievance and Complaints Register.
- 7) Incident Report.
- 8) Non-Academic Grievance Policy.
- 9) Complaints and Grievances Declaration Form.
- 10) Academic Misconduct Policy and Procedure.
- 11) Student Assessment Policy and Procedure.