

Non-Academic Grievance Policy and Procedure		
Code: E2.07	Area: Non-Academic E	
Policy Owner: Executive Management Group	Version #: 1.3	Date: 17 Mar 2021
Policy Developer/Reviewer: QAM	Review date: 14 Jan 2023	

VERSION HISTORY

Version	Updated by	Approval Date	Details
1.0	EMG	02 Oct 2018	New policy approved.
1.1	EMG	14 Jan 2020	Added Section 2.4: Advocacy and Section 2.6: Publication, and expanded the scope to include all SITCM stakeholders other than staff
1.2	PRG	10 Jul 2020	Revised Section 2.5 (Vexatious Complaints) to specify that they can be handled under misconduct policies.
1.3	EMG	17 Mar 2021	Grievance forms must be sent to the Registrar.

PURPOSE AND SCOPE

The aim of this policy is:

- Provide guidance on resolving grievances relating to non-academic matters.
- Outline the steps involved for SITCM stakeholders to make a complaint and appeal against: SITCM, SITCM staff and students at SITCM.
- Outline the steps to resolve issues relating to non-academic matters.

This policy applies to all students, clinic patients and other stakeholders (excluding staff) at the Sydney Institute of Traditional Chinese Medicine (SITCM).

1 OVERVIEW

The Sydney Institute of Traditional Chinese Medicine (SITCM) is committed to resolving grievances and complaints of a non-academic nature in an effective, timely, fair, and confidential manner at all times. SITCM stakeholders 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) 2015*, including 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 an academic nature, refer to the *Academic Grievance Policy and Procedure*.

2 POLICY

2.1 NON-ACADEMIC GRIEVANCE HANDLING

- 1) All grievances will be treated seriously, sensitively and promptly.
- 2) Complainants will be treated fairly at all times 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) Complainants and respondents will have the opportunity to present their case at each stage of the grievance process.
- 5) Stakeholders are expected to participate in the grievance handling process in good faith.
- 6) Stakeholder privacy will be respected at all times during the grievance process.
- 7) SITCM is required under the *Privacy Act 1988* to comply with the *Australian Privacy Principles* during the collection, use and disclosure of personal information (refer to the *Privacy Policy* for further information).
- 8) To ensure privacy and confidentiality, as few staff members as possible should handle grievances.

2.2 NON-ACADEMIC GRIEVANCES

- 1) Any grievance that is not related to academic matters. Academic grievances must follow the *Academic Grievance Policy and Procedure*.
- 2) A non-academic grievance can be, but is not limited to:
 - a. Student grievances against SITCM.
 - b. Student grievances against a staff member at SITCM.
 - c. Student grievances against another student.
 - d. Patient grievances against SITCM.
 - e. Patient grievances against a staff member at SITCM.
 - f. Patient grievances against a student.

2.3 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 non-academic grievances are reviewed by the Executive Management Group.
- 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 Board of Directors, who will consider the implementation of each recommendation contained within the report.

2.4 ADVOCACY

- 1) A complainant 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.

2.4.1.1 VEXATIOUS COMPLAINTS

- 1) If a complaint is lodged to SITCM and it is established that the person reporting knew the complaint to be untrue at the time it was made:
 - a. If the person reporting is a student, the vexatious complaint will be handled in accordance with *Student Non-Academic Misconduct Policy*.
 - b. If the person reporting is a staff member, the vexatious complaint will be handled in accordance with *Staff Misconduct Policy*.

2.5 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

2.6 PUBLICATION

- 2) This policy is published on the SITCM website and learning management system Moodle.
- 3) Posters outlining key information from this policy are located around the SITCM Campus.

3 PROCEDURES

3.1 GRIEVANCE PROCEDURES

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

3.1.1 STAGE 1: INFORMAL GRIEVANCE

- 1) In the first instance, complainants should contact the relevant member of the SITCM community in an attempt to resolve the dispute as early as possible.
 - a. When meeting with the member of the SITCM community, complainants 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) Complainants should discuss the issue with the member of the SITCM community and mutually come up with a resolution.

- 3) It is not mandatory to attempt to resolve a grievance informally and not doing so is not prejudicial to the formal grievance process.
- 4) If the issue is not able to be resolved informally then the complainant 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 Registrar at registrar@sitcm.edu.au.
- 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 complainant.
- 5) The Registrar will review the grievance and provide a decision within 10 working days.
- 6) If the complainant is not happy with the outcome of the grievance, they can make an appeal.

3.1.3 STAGE 3: APPEAL (INTERNAL PANEL)

- 1) The Registrar will manage appeals.
- 2) An appeal must be submitted on the *Complaints and Grievances Declaration Form* and emailed to the Registrar at registrar@sitcm.edu.au.
 - a. The appeal must be made within 10 working days of receiving the outcome of the formal grievance/complaint.
 - b. Complainants will not be charged for an internal appeal except where the cost arises from being accompanied or assisted by another person.
- 3) The receipt of the appeal will be acknowledged in writing via email.
- 4) An appeal panel will be convened to assess the appeal.
- 5) The appeal panel is chaired by the CEO and includes two other senior SITCM staff members.
 - a. The panel may include, but is not limited to: Dean, Clinic Manager, Quality Assurance Manager, Course Coordinator, Associate Dean (if they are not involved in the original grievance/complaint).
- 6) The appeal panel will make a decision within 15 days of the appeal being lodged.
 - a. The appeal panel's decision is the final outcome from the internal SITCM grievance/complaints process.
- 7) If the complainant 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)

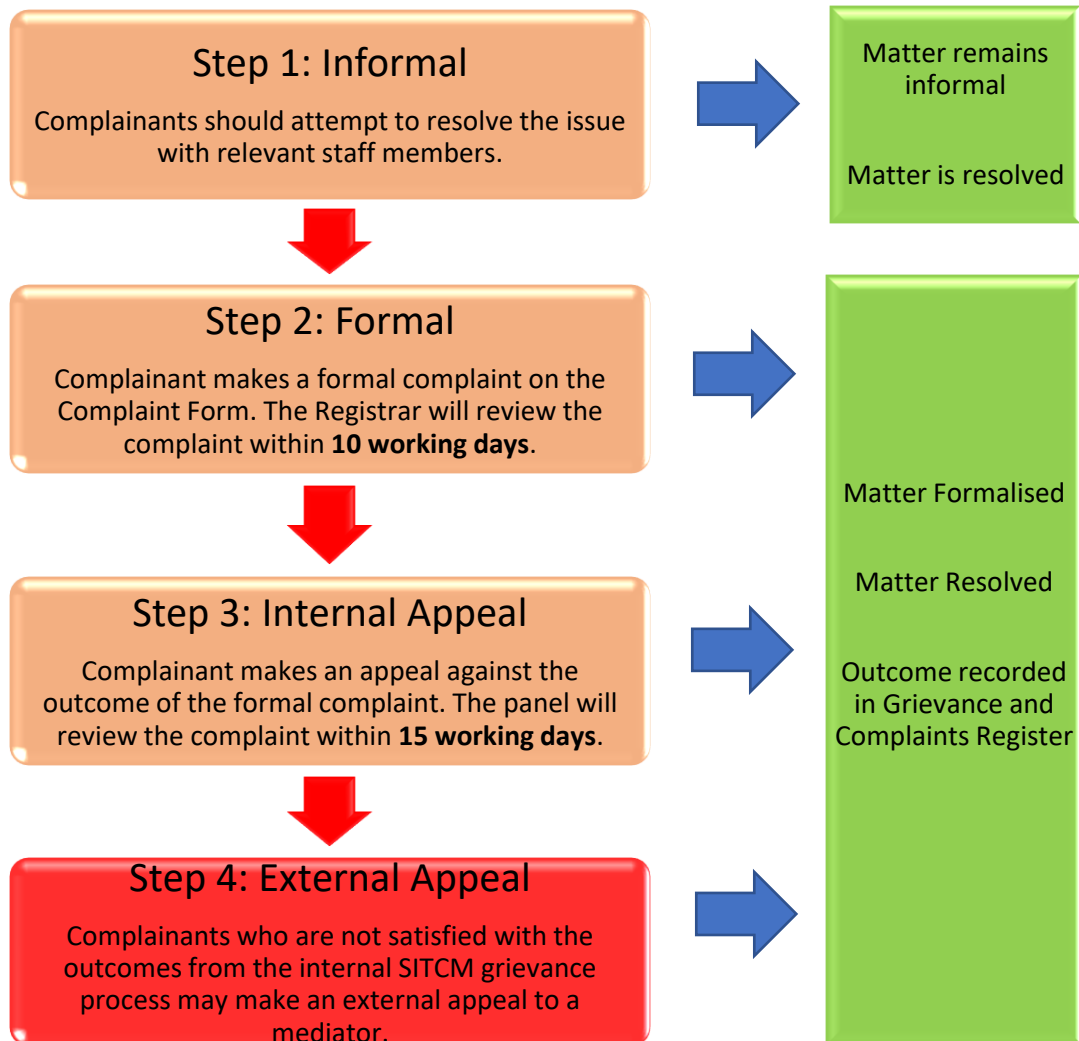
- 1) External appeals may be made after all internal processes for grievance/complaint resolution have been undertaken and concluded.
- 2) The purpose of the external appeal is to consider whether SITCM has correctly followed its grievance policy and procedures in making the decision and attempt to reach a resolution.
- 3) SITCM and the complainant will agree on an external qualified mediator.
 - a. Qualified mediators can be found at:
<https://www.resolution.institute/dispute-resolution/mediation>
- 4) SITCM will provide due consideration of recommendations arising from an external appeal.

- 5) SITCM will cover the reasonable costs of mediation. Complainants 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 the complainant 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

Complainants 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) 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>
- 2) Ombudsman NSW: <https://www.ombo.nsw.gov.au/complaints>

- 3) TEQSA: <https://www.teqsa.gov.au/complaints-domestic-students>

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) 2015.
- 2) E2.11 Staff Grievance Policy and Procedure.
- 3) A1.14 Academic Grievance Policy and Procedure
- 4) Privacy Act 1998.
- 5) E2.16 Privacy Policy.
- 6) A1.14 Academic Grievance Policy and Procedure.
- 7) Grievance and Complaints Register.
- 8) E2.16 Privacy Policy.
- 9) Incident Report.